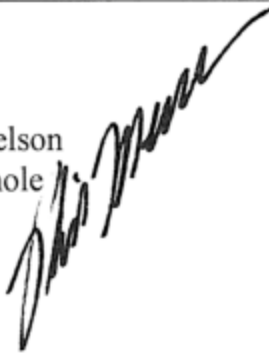


**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: All Councilmembers
FROM: Chairman Phil Mendelson
Committee of the Whole
DATE: March 7, 2023
SUBJECT: Report on Bill 25-68



The Committee of the Whole, to which Bill 25-68, the “Street Vendor Advancement Amendment Act of 2023” was referred, reports favorably thereon with amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On January 25, 2023, Bill 25-68, the “Street Vendor Advancement Amendment Act of 2023” was introduced by Councilmember Brianne Nadeau and Chairman Mendelson. As introduced, the bill would amend the Vending Regulation Act of 2009 to remove criminal penalties for violations of the vending law or regulations, allow the Mayor to establish Sidewalk Vending Zones in the District, establish a Sidewalk Vending Zone in Columbia Heights, and waive unpaid fines for vending-related citations issued for sidewalk vendors who obtain a sidewalk vending zone individual license or register with a sidewalk vending zone manager. The Committee Print is much broader in effect, as detailed in this report. Fundamentally, this legislation is about making it easier for sidewalk vendors to become licensed and to make a living.

History of Vending Laws and Regulations in the District

No matter its form, vending has been a profession as long as there has been commerce. The first vending law in the District dates to 1803 when the City Council adopted legislation requiring annual licenses for “peddlars” that cost \$16 a year.¹ At the time, the District—like much of America—was quite rural and sparsely populated.² Travel was difficult, goods such as tools, furniture, and clothes were not mass-produced, and services such as dentistry and blacksmithing could be difficult to find. Peddlers filled the void by traveling from house to house or setting up carts or wagons in high-traffic areas to sell goods and services.³ This made the peddlers—also often referred to as “hawkers” and “hucksters”—an important source of non-agricultural goods for many households.⁴

Due to the importance of peddlers in everyday commerce and trade, for decades there were few restrictions on who could receive a peddler, hawker, or huckster license, what products they could sell, or where they could sell their products. This changed in the late 1800s.⁵ By then, the District was a growing urban metropolis with three large public markets in operation. These markets served as hubs for residents to buy produce and household items that were sold by house-to-house peddlers decades prior. Center Market, the largest of the three markets and the largest public hall in the United States, had 666 stalls for vendors of all different types.⁶ But the rent for a stall was prohibitive for many street vendors, leading many vendors to sell their products on sidewalks close to the market.⁷ The friction between market vendors and street vendors, and the changing nature of commerce, led to the adoption of more restrictive regulations in 1887. Article III of those regulations prohibited hucksters or hawkers from erecting or occupying a stand on any “street, avenue, alley, highway, footway, sidewalk, parking or public space.”⁸ The regulations also prohibited hucksters and peddlers from selling any items between 10:00 p.m. and 7:00 a.m., and from annoying residents or passers-by, or “crying their wares” in a manner that would disturb the peace.⁹ While some residents complained that enforcement of these regulations was inadequate, police actions against hucksters and peddlers, including arrests, were common. In one instance,

¹ “An Act requiring annual licenses to be taken out by pedlars and ordinary keepers; and for the keeping of Carriages and Billiard tables,” Approved on May 25, 1803.

² In 1800, the District had a population of approximately 8,144 people.

³ Jaffee, D. (1991). Peddlers of Progress and the Transformation of the Rural North, 1760-1860. *The Journal of American History*, 78(2), 511-535.

⁴ See, for instance, Friedman, W. A. (2005). *Birth of a Salesman*. Harvard University Press.

⁵ The District briefly prohibited free Black persons from obtaining a peddler or huckster license in 1836 after the “Snow Riot.” The law was struck down by the courts the same year, however (*Washington Ordinance of October 29, 1836*, James W. Sheahan (comp.), *Corporation Laws of the City of Washington* (Washington, 1853), 249). For information about the “Snow Riot” see Jefferson Morley, “The ‘Snow Riot,’” *The Washington Post*, Feb. 6, 2005 (<https://www.washingtonpost.com/archive/lifestyle/magazine/2005/02/06/the-snow-riot/0514ba84-54dd-46ac-851c-ff74856fcdf4/>).

⁶ Center Market was originally opened in 1802 but did not become the largest public hall in the country until a new building was constructed and opened in 1872. Eastern Market and Western Market opened in 1805 and 1802, respectively, but were also quite small until they were relocated in the mid-to-late 1800s.

⁷ Stalls in Center Market, for instance, were rented for anywhere from \$11 to \$20 a month in 1871. Today, this would be anywhere from \$270 to \$491 a month (See, Topham, W. (1924). Centre Market and Vicinity. *Records of the Columbia Historical Society, Washington, DC*, 26, 1-88.).

⁸ Police Regulations of 1887, Article III, Section I. As published in the *Evening Star*, June 27, 1887, pg. 2.

⁹ *Ibid.*

over 30 street hucksters were arrested for failing to *immediately* produce licenses and documentation.¹⁰ Other hucksters and peddlers were arrested for “crying their wares” too loudly,¹¹ obstructing pedestrians,¹² and not moving after a sale.¹³ Most of those arrested were low-income immigrants from Greece and other Southern European countries. Due to the perceived ineffectiveness of the initial police regulations, however, the District amended the regulations in 1902 to require hucksters and peddlers to wear a badge and to require that hucksters be located in specific areas rather than allowing them to move freely.¹⁴ Laws were also put in place to prohibit the vending of certain products, such as medicine.¹⁵ While the historical record on the impact of the amendments is minimal, it seems the changes were not enough to placate market vendors¹⁶ or brick-and-mortar merchants. For instance, representatives of the growing brick-and-mortar merchant population, such as the Merchants and Manufacturers Association, called for a wholesale prohibition on street vending licenses in the early 1920s.¹⁷ This led the Commissioners of the District to enact an ordinance prohibiting the sale, or offering for sale, of anything in any manner not explicitly allowed in the existing regulations.¹⁸ The law was struck down by the D.C. Circuit Court of Appeals the following year.¹⁹

By the late 1960s and early 1970s, the retail commerce landscape had changed significantly. Factory production of consumer goods was growing rapidly. Grocery stores, department stores, clothing stores, and specialty stores for furniture, electronics, and other household items proliferated. Consumer credit, including credit cards, was more widely used than at any point prior. But from the 1930s until the mid-1970s, the District vending laws and regulations remained mostly unchanged, with some minor exceptions.²⁰ The lack of updated regulations, coupled with sporadic enforcement of the law,²¹ only made conflict between brick-and-mortar merchants, residents, and street vendors more common—and more consequential. Nowhere was this more evident than in Georgetown, where merchants in the early 1970s began to call for a prohibition on street vending, claiming that street vendors, who were mostly Black, were having an “adverse effect on the community.”²² Initially, it seemed as though the Council would

¹⁰ “They All Had Licenses,” *The Washington Post*, July 31, 1887, pg. 4.

¹¹ See, for instance, “Raid on Noisy Hucksters,” *The Washington Post*, May 5, 1897, pg. 8.

¹² See, for instance, “Pushcarts Hindered Pedestrians,” *The Washington Post*, Dec. 20, 1896, pg. 16.

¹³ Peddlers were prohibited from being stationary except when making a sale. See, for instance, “Police After the Greeks,” *The Washington Post*, Nov. 3, 1895, pg. 12; “Fruit Peddlers Must Move,” *The Washington Post*, Nov. 26, 1899, pg. 10.

¹⁴ Police Regulations of the District of Columbia, 1902, Article III, Sections 2 and 4.

¹⁵ May 7, 1906, 34 Stat. 181, ch. 2084, § 16.

¹⁶ See, for instance, “Notes of Market Life,” *The Washington Post*, Aug. 2, 1903, pg. 11.

¹⁷ “Want Vendors Kept From Using Streets,” *The Washington Post*, Oct. 25, 1921; “Business Chiefs Will War Against Hawkers,” *The Washington Post*, May 17, 1923, pg. 9.

¹⁸ *Crane v. District of Columbia*, 289 F. 557, 558 (D.C. App. 1923)

¹⁹ *Ibid.*

²⁰ “Police OK Needed For Sales Permit,” *The Evening Star*, Sept. 27, 1962, pg. 20.

²¹ See, for instance, “Controls Set for Shrine Convention,” *The Evening Star*, June 29, 1965, pg. 28; Ronald Sarro, “9 Vendors Crackdown by D.C.; Duncan Calls Parley,” *The Evening Star*, pg. 27. The Park Police also began enforcing a 60-year-old law in the late 60’s due to complaints from the Smithsonian Institute and repeated conflicts between vendors over space. See, Jim Norell and John Aquilino, “The Vending Folk,” *The Evening Star*, August 8, 1971, pgs. 161-163.

²² Lurma Rackley, “Street Vendors Defend Their Rights,” *The Evening Star*, April 20, 1973, pg. 20. See, also, Corrie M. Anders, “Street Vendors Arrested,” *The Evening Star*, July 7, 1974, pg. 1.

take an even-handed approach in response to the complaints and conflict.²³ Ultimately, however, the Council ended up prohibiting vending along the main streets in Georgetown (M Street and Wisconsin) and restricting the number of vendors allowed on other streets to only 21.²⁴ At the time the law was passed, there were around 200 vendors in Georgetown.²⁵

Despite police enforcement and targeted crackdowns, such as the one in Georgetown, the District's street vendor population grew significantly in the late 1970s and early 1980s, from around 2,000 licensed vendors to nearly 6,000.²⁶ The growth of the street vendor population, coupled with the lack of more modern regulations, continued to ignite calls from brick-and-mortar merchants and their allies to heavily restrict vending activities.²⁷ As a result, Mayor Marion Barry established a task force on vending. However, the task force initially met in secret, and its first set of recommendations was subject to significant blowback from vendors.²⁸ This led to a reconfiguration of the task force and several more years of work before final regulations were adopted. The final regulations, adopted in 1984 and effective in 1985, included license fee increases, restrictions on the type of merchandise that could be sold, restrictions on hours of operation and locations, and new standards for vending carts and stands.²⁹ Within months of the regulations going into effect, the city estimated that the number of street vendors operating in the District was reduced from over 5,300 to around 1,500.³⁰

Due in part to the adversarial nature of the regulations adopted in 1984, said regulations did not lessen conflict between brick-and-mortar merchants and street vendors.³¹ And with the increasingly fraught economic and regulatory environment of the District in the early-to-mid-90s, street vendors faced even more restrictive fees and policies until an all-out moratorium on street vending licenses was approved in 1998.³² The moratorium was a recommendation of the Business Regulatory Reform Commission, a 19-member body charged with making recommendations to the Mayor and Council that would “restore efficiency... economic competitiveness... and fairness...”³³ The recommendation was justified due to “concerns, including those from downtown businesses that too many vendors were operating in the downtown area and that vending in the

²³ See, for instance, Kirk Scharfenberg, “Store Owners, Street Vendors Square Off,” *The Washington Post*, April 20, 1973, pg. C1; La Barbara Bowman, “Council Backs Easing Ban on Street Vendors,” *The Washington Post*, May 8, 1974, pg. C2.

²⁴ Michael Kiernan and Bruce Howard, “Funeral Bill Dies at Mayor’s Hand,” *The Evening Star*, December 14, 1974, pg. B-2.

²⁵ Paul Hodge, “Vendor Curb Law Is Labeled Racist,” *The Washington Post*, May 22, 1975, pg. B1.

²⁶ Alison O’Niel, “Vendors See Regulatory Storm Ahead,” *The Washington Post*, August 2, 1982, pg. WB1.

²⁷ Jerry Knight, “Board of Trade Plays the Bully in Fighting Vendors,” *The Washington Post*, June 21, 1982, pg. WB1.

²⁸ Alison O’Niel, “City Seeks to Reorganize Street Vending Task Force,” *The Washington Post*, November 22, 1982, pg. W31.

²⁹ Peter Perl, “Crackdown on Vendors Demanded,” *The Washington Post*, September 19, 1985, pg. D1.

³⁰ *Id.* Street vendors tried to mount a legal challenge to the law but were not successful.

³¹ See, for instance, Zita Arocha, “Storm Rising In Adams Morgan,” *The Washington Post*, January 5, 1989, pg. DC1; Elsa Arnett, “Capitalists On the Curb,” *The Washington Post*, September 11, 1989, pg. F1; “Street Vendors Hold One-Day Strike,” *The Washington Post*, September 11, 1990, pg. D5; Margaret Webb, “Vendors Under Siege,” *The Washington Post*, February 14, 1991, pg. DC1.

³² For instance, street vendors were generally prohibited from vending around the new arena (Rudolph Pyatt, “What’s Behind the Vendor Ban Around MCI Center?,” *The Washington Post*, December 15, 1997, pg. F3), and the Council approved a substantial increase in fees in 1994 due to alleged difficulties of collecting sales taxes from vendors.

³³ D.C. Law 10-212, the “Business Regulatory Reform Commission Act of 1994,” Section 2(3).

District was essentially unchecked.”³⁴ The recommendation was ultimately enacted through D.C. Law 12-86, the “Omnibus Regulatory Reform Act of 1998,” which stated:

*“As of the effective date of the Omnibus Regulatory Reform Amendment Act of 1998, there shall be a moratorium on the issuance of all Class A, B, and D licenses for sidewalk and roadway vendors until a survey has been completed and approved that allows for the enforcement of the limitation on the number of vending licenses under subsection 505.4 of this chapter.”*³⁵

By all accounts, this moratorium was supposed to be temporary in nature, ending after a “study on vending and public space management could be completed.”³⁶ But the study was not completed until June of 2006, eight years after the moratorium went into effect.³⁷ The study was based on the results of an unfinished vending demonstration program pilot³⁸ and an examination of street vending policies related to site identification, site assignment, vending enforcement, and vending cart design in Boston, Portland (Oregon), Atlanta, New York City, Philadelphia, Chicago, and Miami. While billed as identifying “best practices” for vending regulations, the study failed to provide any context on the development of regulations in the jurisdictions it surveyed and did not offer *any* empirical or qualitative assessment of their effectiveness. Additionally, data and policies on several issues in the study—such as public space fees—were not collected or analyzed at all.³⁹ Despite the significant limitations of the study, DCRA made numerous recommendations touted as “best practice,” including:

1. Using a point system to identify “appropriate” vending sites;
2. Expanding the schedule of fines; and
3. Creating uniform standards to “aesthetically improve” vending carts and stands.

The study then outlined a timeline for the implementation of the recommendations, with all items having an estimated completion date of no later than September 2006.⁴⁰ This did not occur. In fact, DCRA did not notice any regulations until 2008. As a result, the Council had to pass several emergency and temporary measures in 2006, 2007, and 2008 to effectuate some of the recommendations offered by DCRA.⁴¹ It wasn’t until late 2009 that the Council adopted permanent legislation effectuating the recommendations from the DCRA report.⁴² Of note, the law established the requirement for a site permit, required the Mayor to establish lotteries for the assignment of certain vending spaces, and established the Vending Regulation Fund to pay for the enforcement and administration of the law.⁴³ However, new regulations to implement the law were not finalized until 2013.

³⁴ Committee on Consumer and Regulatory Affairs, Committee Report for Bill 16-347, the “Vending Licensing Moratorium Amendment Act of 2005,” pg. 2.

³⁵ D.C. Law 12-86, Title XI, Sec. 1101(e)(2).

³⁶ *Supra* note 36.

³⁷ DCRA’s Report to the Council for Lifting the Vendor Moratorium - June 1, 2006.

³⁸ *Id.*, pg. 3.

³⁹ *Id.*, pgs. 28-30.

⁴⁰ *Ibid.*

⁴¹ See, for instance, D.C. Act 16-64, D.C. Act 17-322, and D.C. Act 18-09.

⁴² D.C. Law 18-71, the “Vending Regulation Act of 2009.”

⁴³ *Id.*

The current street vending regulations are extensive. They are also frequently restrictive and onerous, and the regulatory record does not illuminate why certain policy choices were made. For instance, the regulations require all food vendors, including people selling whole fruits or vegetables, or non-hazardous pre-packaged food items, to vend from a cart that meets the standards of the National Sanitation Foundation.⁴⁴ These standards include specific requirements for internal and external angles and corners, doors and hinges, sink compartments, and water and wastewater systems, among many other topics.⁴⁵ Nothing in the record speaks to why this policy choice was made, however, so the Committee cannot thoroughly evaluate the rationale for significant portions of the current regulations.

Bill 25-68

As introduced, Bill 25-68 would remove criminal penalties for violations of the vending law or regulations, allow the Mayor to establish Sidewalk Vending Zones in the District, establish a Sidewalk Vending Zone in Columbia Heights, and waive unpaid fines for vending-related citations issued for sidewalk vendors who obtain a sidewalk vending zone individual license or register with a sidewalk vending zone manager. The bill is a combination of two bills from Council Period 24, Bill 24-49, the “Street Vending Decriminalization Amendment Act of 2021,” and Bill 24-50, the “Sidewalk Vending Zones Amendment Act of 2021.”

The Committee Print makes numerous substantive changes to the bill based on testimony and feedback from vendors and the Executive. First, the Committee Print removes language in the code applying criminal penalties to violations of the vending law and regulations. However, while the Committee agrees with this change, the Committee recognizes that this makes enforcement against unlicensed vendors difficult. As Interim Director of the Department of Licensing and Consumer Protection Shirley Kwan-Hui noted in her testimony before the Committee on Bill 24-49, vendors do not have a fixed business address like a brick-and-mortar store, and the agency does not currently have the authority to request any form of identification from people who are illegally vending.⁴⁶ If the agency cannot properly cite individuals for illegal vending, illegal vending may proliferate and undermine licensed vendors who have done everything they can to remain compliant. The Committee Print addresses this issue by giving an enforcement officer, defined as someone with the authority to enforce Chapter 1A of Title 37 who is not an officer or member of the Metropolitan Police Department, the authority to request reasonable identification from individuals who are being issued a civil citation. If a person does not produce identification, the enforcement officer may detain them for as long as is necessary to verify the individual’s identity for purposes of issuing a civil infraction. The Print defines reasonable identification as any form of identification that includes the individual’s true name and address. This language is similar, but not identical to, language from the Revised Code of Washington (RCW) State that was adopted in 1987.⁴⁷ The Committee believes this language is necessary to ensure adequate enforcement against unlicensed vendors.

⁴⁴ 24 DCMR 548.

⁴⁵ NSF/ANSI 59: Mobile Food Carts.

⁴⁶ Committee of the Whole Public Hearing on Bills 24-29 and 24-50, November 16, 2022. Testimony of Shirley Kwan-Hui, Interim Director of the Department of Licensing and Consumer Protection, pgs. 3-4.

⁴⁷ RCW 7.80.060.

Second, the Committee Print amends Part C of The Department of Health Functions Clarification Act of 2001 so that cottage food businesses can support vending operations. While the District's cottage food law currently allows cottage food businesses to sell directly to consumers, these businesses are only allowed to sell non-hazardous pre-packaged food. This means the only options for sidewalk vendors selling a broader array of food are commercial or commissary kitchens. The Committee found eight commercial or commissary kitchens operating in the District. Rent for these kitchens ranges from \$500 a month to over \$1,000 a month, a cost many sidewalk vendors cannot afford.⁴⁸ As such, the Committee Print amends the definition of cottage food product to allow for the sale of non-pre-packaged, potentially hazardous foods and revises the packaging and labeling requirements so that if a product cannot be pre-packaged, the cottage food licensee must have signage with information that is required on labels for pre-packaged food. This is consistent with cottage food laws in other jurisdictions, including Montana, Wyoming, Utah, North Dakota, and Oklahoma.⁴⁹ Some argue that the current restrictions on cottage food products are necessary to protect public health, but there is no evidence that less restrictive cottage food laws lead to higher incidences of foodborne illness.⁵⁰ Additionally, anyone seeking a cottage food license or street vending license still must pass a certified food protection manager examination, nearly all of which include pre-test courses that cover topics such as foodborne disease, spoilage, temperature control, hygiene, and food storage. Research indicates that these courses significantly improve food safety knowledge and behaviors.⁵¹

Third, the Committee Print ensures that vendors do not need to undergo a criminal background check prior to or after receiving a license. This requirement dates back to the early 1900s when police were involved in the enforcement of licensing laws more generally.⁵² Prior to 1962, police would conduct a background check after the vendor received a license. Due to a report that found that 60% of licensed vendors had a prior criminal charge or conviction, the Commissioners changed the procedure to require a background check before issuing a license.⁵³ It

⁴⁸ See the Kitchen Door, Kitchens in Washington, D.C. (<https://www.thekitchendoor.com/kitchen-rental/washington-dc/washington-dc>).

⁴⁹ See Institute for Justice's Homemade Food Laws Map for more information (<https://ij.org/issues/economic-liberty/homemade-food-seller/>).

⁵⁰ It is extremely difficult to determine the full scope of foodborne illness due to significant underreporting. That said, jurisdictions with less restrictive cottage food laws, or home food laws similar to cottage food laws, have not seen an increase of reported foodborne illnesses. See, for instance, Alert, O. (2014). *A Review of Foodborne Illness in America from 2002-2011*. Center for Science in the Public Interest: Washington, DC, USA; Gwin, L., Brekken, C. A., & Trant, L. (2018). Farm Direct at five years: An early assessment of Oregon's farm-focused cottage food law. *Journal of agriculture, food systems, and community development*, 8(3), 85-104.

⁵¹ See, for instance, Finch, C., & Daniel, E. (2005). Food safety knowledge and behavior of emergency food relief organization workers: Effects of food safety training intervention. *Journal of Environmental Health*, 67(9), 30; Insfran-Rivarola, A., Tlapa, D., Limon-Romero, J., Baez-Lopez, Y., Miranda-Ackerman, M., Arredondo-Soto, K., & Ontiveros, S. (2020). A systematic review and meta-analysis of the effects of food safety and hygiene training on food handlers. *Foods*, 9(9), 1169; Roberts, K. R., Barrett, B. B., Howells, A. D., Shanklin, C. W., Pilling, V. K., & Brannon, L. A. (2008). Food safety training and foodservice employees' knowledge and behavior. *Food protection trends*, 28(4), 252-260; and Smith, L., Sirsat, S. A., & Neal, J. A. (2014). Does food safety training for non-profit food service volunteers improve food safety knowledge and behavior. *Food Prot Trends*, 34(3), 156-163.

⁵² See, for instance, Police Regulations of the District of Columbia, as revised and amended by the Commissioners of the District of Columbia, 1902.

⁵³ "Police Ok Needed for Sales Permit," *The Evening Star*, September 27, 1962, pg. B-1.

has remained this way since.⁵⁴ The Committee does not believe that this requirement should continue for three reasons. First, a criminal background check is not required for most other business licenses. For instance, bakery, caterer, delicatessen, and restaurant licenses do not require a criminal background check. It makes little sense to require it for one type of business license but not the others. Second, restricting opportunities for entrepreneurship and gainful employment of returning citizens harms public safety. Studies consistently show that returning citizens who have jobs are less likely to recidivate.⁵⁵ Third, what value is gained? Does it matter if a vendor has a criminal history? Given these reasons, the Print eliminates the background check requirement.

Table 1. Two-Year Cost of Licenses, Permits, and Equipment

Item	Current Two-Year Cost
Vending License	\$337-\$476
Corporate Registration ⁵⁶	\$99
Corporate Biennial Report	\$300
Trade Name Registration	\$55
Sidewalk Site Permit	\$1,200
Vendor Employee ID Card	\$55
Certified Food Protection Manager ID Card	\$35
DC Health Certificate	\$400
MvHACCP and Risk Control Plan	\$300
Minimum Sales Tax ⁵⁷	\$3,000
Food Vending Cart ⁵⁸	\$5,000+
Commissary/Commercial Kitchen	\$24,000
Cart Service and Storage Facility Cost ⁵⁹	\$7,200 - \$14,400
Total	\$41,981 - \$49,320

Fourth, the Committee Print reduces the cost of fees associated with vending licenses and permits, which can be quite onerous for vendors. Currently, an individual who wants to engage in sidewalk vending of any food, for instance, must obtain a license and vendor employee

⁵⁴ Vendors currently must obtain a criminal history report from the Metropolitan Police Department and any other state of residence. Employees of vendors are also subject to this requirement.

⁵⁵ See, for instance, Denver, M., Siwach, G., & Bushway, S. D. (2017). A new look at the employment and recidivism relationship through the lens of a criminal background check. *Criminology*, 55(1), 174-204; Nally, J. M., Lockwood, S., Ho, T., & Knutson, K. (2014). Post-release recidivism and employment among different types of released offenders: A 5-year follow-up study in the United States. *International Journal of Criminal Justice Sciences*, 9(1), 16; Tripodi, S. J., Kim, J. S., & Bender, K. (2010). Is employment associated with reduced recidivism? The complex relationship between employment and crime. *International journal of offender therapy and comparative criminology*, 54(5), 706-720; Uggen, C. (2000). Work as a turning point in the life course of criminals: A duration model of age, employment, and recidivism. *American sociological review*, 529-546; Visser, C. A., Winterfield, L., & Coggeshall, M. B. (2005). Ex-offender employment programs and recidivism: A meta-analysis. *Journal of Experimental Criminology*, 1, 295-316.

⁵⁶ Corporate registration, biennial reporting, and trade name registration are not required for sole proprietors.

⁵⁷ D.C. Code § 47-2002.01 requires street vendors who collect less than \$375 in a given quarter to remit \$375 to the Office of Tax and Revenue. A street vendor who collects more than \$375 in sales taxes in a given quarter, would remit the full amount of sales tax they collected. For purposes of this analysis, the Committee used the minimum quarterly payment.

⁵⁸ The cost of a cart depends on the exact specifications and materials used, but the Committee could not find any new carts that would meet National Sanitation Foundation standards for food vending that were less than \$5,000. Several businesses that construct carts had prices as high as \$15,000.

⁵⁹ To estimate this cost, the Committee examined monthly rents for various storage facilities that would meet the requirements of existing law.

identification cards from the Department of Licensing and Consumer Protection, a site permit, a Certified Food Protection Manager identification card, a DC Health Mobile Food Vending Health Certificate, and, if necessary, submit a Mobile Vending Hazard Analysis and Critical Control Points Plan for review. Fees for these items total \$2,327 to \$2,466 over a two-year period, and this does not include any fees or costs for the construction or purchase of an authorized cart and equipment, rent for cart service and storage at an approved facility, and remittance of minimum sales tax pursuant to D.C. Official Code § 47–2002.01. As shown in Table 1, with these costs considered, a sidewalk vendor could pay anywhere from \$41,981 to over \$49,000 in basic start-up and operating costs in the first two years. For vendors at the National Mall, Nationals Stadium, and designated Mobile Roadway Vending sites, costs are even higher. The cost of the monthly lottery for a vending site at Nationals Stadium is \$125 a month, or approximately \$3,000 over a two-year period. For a roadway vending site in the National Mall Area, the lottery fee is \$450 a month, or approximately \$10,800 over a two-year period.

Table 2. Two-Year License and Permit Fees in D.C. and Other Jurisdictions

Jurisdiction	Two-Year Fee Costs (Sidewalk Vending)
District of Columbia	\$2,327-\$2,466
Arlington, VA	\$1,130
Baltimore, MD ⁶⁰	\$660-\$1,870
Montgomery County, MD	\$1,259-\$1,993
Prince William County, VA	\$1,100
Seattle, WA ⁶¹	\$1,569-\$1,676
Houston, TX ⁶²	\$1,564
San Francisco, CA	\$1,997-\$2,444
Philadelphia, PA	\$1,030
Los Angeles, CA ⁶³	\$1,868-\$2,626
Portland, OR ⁶⁴	\$1,976-\$2,216
Atlanta, GA ⁶⁵	\$1,620-\$2,220

The legislative and regulatory record on these fees is minimal, unfortunately, so it is difficult to ascertain the justification for these fees.⁶⁶ That said, the fees charged by the District are excessive compared to neighboring jurisdictions and other cities, as shown in Table 2. In Arlington and Prince William County, for instance, two-year costs for vendor licenses and permits are around half that of the District. In Baltimore, two-year costs can be as low as \$660, only 28% of the total cost of licenses and permits in the District. The only jurisdictions with fees as high as the District are San Francisco and Los Angeles.⁶⁷

⁶⁰ Fees depend, in part, on the food products being sold by the vendor. The estimate includes the cost of a peddlers license from the State of Maryland.

⁶¹ The estimate includes the cost of a state business license.

⁶² The estimate is for a restricted mobile food unit.

⁶³ Fees depend, in part, on whether a food cart is categorized as low risk or high risk.

⁶⁴ Portland classifies carts as Class 1, 2, 3 or 4. This estimate does not include commissary fees, as it is only required if a class 2 or 3 cart does not contain a three-compartment sink.

⁶⁵ This estimate assumes that the business operates in Fulton County. Fees depend on the classification of the mobile foodservice operation.

⁶⁶ At the Committee’s public hearing on Bills 24-49 and 24-50, Interim Director Shirley Kwan-Hui was asked about the cost of the vending site permit fee. She could not offer any information as to how the fee was determined.

⁶⁷ Both of these jurisdictions were forced to begin licensing street vendors due to several recent state laws.

While the Committee does believe site permit and lottery fees should be retained, the excessive cost of these fees is unjustifiable. As such, the Committee Print proposes reducing fees as follows: A basic business license would be \$99 for two years, a sidewalk site permit would be \$75 a year, and a mobile roadway vending permit would be \$150 a year. The two-year cost of the proposed basic business license fee is consistent with Bill 24-301, the “Business and Entrepreneurship Support to Thrive Amendment Act of 2021,” which was unanimously approved by the Council on December 6, 2022.⁶⁸ The proposed fee for a sidewalk site permit is consistent with fees in Seattle, WA⁶⁹ and Atlanta, GA,⁷⁰ and several cities in California.⁷¹ The Committee Print also proposes reducing the cost of a vending site permit in the National Stadium Vending Zone to \$65 a month, and the vending site permit for vending locations around the National Mall to \$225 a month, cutting both by half. The Committee believes these fee reductions are reasonable and also to cover the cost of any administrative components of the vending program or enforcement. Current two-year costs versus proposed two-year costs are shown in Table 3. For sidewalk and roadway vendors in the Nationals Stadium Vending Zone or around the National Mall, this would reduce two-year costs for licenses and permits by around \$1,600, from around \$2,400 to less than \$800. For sidewalk and roadway vendors in the Nationals Stadium Vending Zone, the two-year cost for licenses, permits, and the lottery would be reduced by roughly \$2,000. For sidewalk and roadway vendors with locations around the National Mall, the two-year cost for license licenses, permits, and the lottery would be reduced by over \$5,000.

Table 3. Current and Proposed License and Permit Fees

Item	Current Two-Year Cost	Proposed Two-Year Cost
Vending License	\$337-\$476	\$99
Sidewalk Site Permit	\$1,200	\$150
Mobile Roadway Vending Permit	\$600	\$300
Nationals Stadium Vending Lottery	\$3,000	\$1,560
National Mall Vending Lottery	\$10,800	\$5,400

In communications with the Committee, vendors and their representatives asked that the Committee consider reducing other fees, such as corporate registration fees charged by the Department of Licensing and Consumer Protection and inspection fees charged by the Department of Health. However, the Committee believes any reduction in those fees should only occur after a thorough examination of applicable laws and regulations, which is beyond the scope of this bill. Accordingly, other fees are not altered by this Print.

Fifth, the Committee Print loosens cart equipment requirements for certain vendors and requires the Department of Health, in consultation with the Department of Licensing and Consumer Protection, to establish a process to allow businesses, community-based organizations, and vendors to submit food vending cart design blueprints for approval by the Department of Health. Currently, any street or vehicle-based vendor who sells food to the public must have a cart or vehicle that meets the requirements of the National Sanitation Foundation (NSF). The

⁶⁸ See Committee of the Whole Report on Bill 24-301, pgs. 6-8, for more information on the flat business license fee.

⁶⁹ Seattle charges an occupation fee of \$0.70 to \$1.40 per square foot of vending space.

⁷⁰ Atlanta charges \$75 for a city planning permit, in addition to license costs.

⁷¹ See, for instance, City of San Fernando Sidewalk Street Vendor Application, Stationary Vendor Planning Review fees (<https://ci.san-fernando.ca.us/wp-content/uploads/2020/10/CDD-040.1-Application-Sidewalk-Street-Vendor-7-2020.pdf>).

NSF/ANSI standards for mobile food carts are extensive and include specific requirements for shelving, ice pans and bins, sinks, light fixtures, and water and wastewater storage tanks.⁷² The Committee believes that these standards are sensible for food vendors handling unpackaged, potentially hazardous foods. But the Committee Print includes language that would loosen cart equipment requirements for vendors selling non-potentially hazardous uncut fruits and vegetables or potentially hazardous pre-packaged foods.

Sixth, the Committee Print amends food vending cart service and storage requirements to give street vendors more options for storage. Currently, all food vendors must store carts in “vending depots” that meet the requirements of 24 DCMR 547, which include food preparation and handling areas, proper storage of inventory, maintenance and cleaning systems, etc. As noted in a recent report by Beloved Community Incubator and Vendedores Unidos, these requirements can be costly and limiting.⁷³ As such, the Print would specifically allow food cart service and storage to take place at a vending depot, a shared kitchen or support facility, an existing brick-and-mortar food establishment such as a restaurant or delicatessen, a community center, or a cottage food business. Additionally, street vendors selling only pre-packaged food or non-potentially hazardous uncut fruits and vegetables could store carts at alternative service storage facilities such as private garages.

The cart design and storage requirement provisions contained in the Committee Print are similar to those of New York City, which issued said regulations to start a “Green Cart” initiative in 2008. By all accounts, that initiative has been successful. A study conducted by professors at Columbia University’s School of International and Public Affairs found that the initiative increased the consumption of fresh produce and resulted in hundreds of jobs for a population consisting of primarily low-income, foreign-born vendors.⁷⁴

Seventh, the Committee Print makes substantive changes to the current civil enforcement regime. First, the Print re-classifies current civil infractions related to street vending.⁷⁵ Only vending without a license or permit, or knowingly altering, forging, or mutilating a license or permit are maintained as Class 1 civil infractions. All other current vending-related Class 1 civil infractions are re-classified as Class 2 or lower.⁷⁶ Second, the Print explicitly provides the Department with authority to issue a verbal or written warning for any civil infraction below Class 1. The Committee believes that the Department should utilize verbal and written warnings unless the vendor in question has already been warned or reasonably should know the regulation in question. A less punitive enforcement approach, when combined with adequate outreach and education, can generate higher levels of compliance with the law and build trust with vendors. An

⁷² NSF/ANSI 59: Mobile Food Carts.

⁷³ *Where the Sidewalk Ends Part II: A Vision for Decriminalizing and Investing in D.C. Street Vendors*. (2022). Beloved Community Incubator and Vendedores Unidos. See [here](#).

⁷⁴ Fuchs ER, Holloway SM, Bayer K, Feathers A. (2014). Innovative Partnership for Public Health: An Evaluation of the New York City green Cart Initiative to Expand Access to Healthy Produce in Low-Income Neighborhoods. *Columbia University School of International and Public Affairs Case Study Series in Global Public Policy*; 2(2):2. Available from: <http://www.foodpolitics.com/wp-content/uploads/Green-Carts-Report-Final-June-11.pdf>.

⁷⁵ See 16 DCMR 3313.

⁷⁶ There are currently 10 Class 1 civil infractions for vending.

over-reliance on the issuance of civil infractions, particularly for minor, first-time violations, often generates animosity and distrust.

Eighth, the Committee Print makes changes to the sidewalk vending zone licenses. In the introduced version of the bill, vendors must obtain a sidewalk vending zone individual license but are not required to obtain a business license. As Interim Director Kwan-Hiu noted in her testimony, this would undermine the current licensing process and make enforcement efforts extremely difficult.⁷⁷ As such, the Committee Print strikes the requirement for an individual sidewalk vending zone license and instead requires applicants to have a basic business license and the site permits that are currently required by law.

The introduced version of the bill would also create a sidewalk vending zone manager license with an annual fee of \$1,500. The Committee supports the concept of sidewalk vending zone managers, as the Committee believes the role of a sidewalk vending zone manager will foster greater compliance with vending regulations given the limited enforcement capacity of the Department of Licensing and Consumer Protection (DLCP). That said, Committee believes the creation of a specific license category for sidewalk vending zone managers is not the best approach for several reasons. First, it would restrict the ability of DLCP to select the most qualified applicants for a sidewalk vending zone manager. Second, it would limit opportunities for vendors to provide input to DLCP on additional requirements or qualifications for sidewalk vending zone managers. Third, it would require organizations to pay for a license without any tangible benefits in return, which would likely impact the pool of organizations willing to become sidewalk vending zone managers. Given these issues, the Committee Print strikes the sidewalk vending zone manager license category and instead requires the Mayor to contract with organizations for the sidewalk vending zone manager role. For the Columbia Heights-Mount Pleasant Sidewalk Vending Zone, the Print would require the Mayor to issue a request for proposals (RFP) within 60 days of the effective date of Bill 25-68 and execute a contract within 120 days of the effective date of the bill. While developing the RFP, the Mayor would be required to solicit input from vendors and organizations that support vendors. The Committee believes this approach will produce better outcomes for all involved parties.

Ninth, the Committee Print makes changes to sidewalk vending zone requirements in the bill. In the introduced version of the bill, vendors within a sidewalk vending zone would not vend at a specific location but could move around freely. This approach is at odds with current vending regulations and may lead to unnecessary conflict between vendors vying for high-traffic locations. As such, the Committee Print clarifies that sidewalk vendor locations would be established pursuant to an approved vending site plan submitted by the sidewalk vending zone manager to the Department of Licensing and Consumer Protection. The site plan would, at a minimum, show the location of each vendor, including any proposed location rotations by vendors, and the approximate dimensions of any cart, stand, or table used by the vendor. Within 7 days of receipt of the site plan, the Department would either approve the plan or request modifications. The Department could only request a modification of the plan if it is not compliant with the law or if the vending locations selected by the sidewalk vending zone manager would present an immediate and significant hazard to pedestrians, cyclists, or vehicular traffic. This will provide vendors some

⁷⁷ See supra note 46, pgs. 5-6.

flexibility to rotate locations while minimizing potential conflicts and ensuring that vending activity takes place *within* approved locations.

The Committee Print also adds restrictions on where sidewalk vendors can locate within a sidewalk vending zone. For instance, the Print would prohibit sidewalk vendors from locating within 10 feet of a fire hydrant or in-ground fire standpipe, within 20 feet of a driveway entrance to a police or fire station, or within 5 feet of a building's marked fire control room. These are all drawn from existing regulations.

Tenth, the Committee Print makes changes to the Columbia Heights-Mount Pleasant Sidewalk Vending Zone established by Section 9b. First, it removes language that would codify a maximum number of vendors for each space or area listed under subsection (b). The Committee believes this should be established pursuant to an approved vending site plan. Second, it adds a few areas—such as the western sidewalk of 14th Street, N.W., between Parkwood Place, N.W., and Perry Place, N.W.—based on consultation with vendors and their representatives. The Print also removes one area, Reservation 565, from the list as the National Park Service has jurisdiction over the reservation.⁷⁸ At the Committee hearing on Bills 24-49 and 24-50, Interim Director Kwan-Hui suggested that the National Park Service has jurisdiction over several of the “triangle parks” in the introduced version of the bill, such as Reservation 309, Reservation 309G, and Reservation 310B. The Committee confirmed with the Surveyor's Office that the District has jurisdiction over all of Reservation 309 and Reservation 310B. The District has partial jurisdiction over Reservation 309G, so the Print confines available vending space to the sidewalks around the reservation and space within the reservation that the District has jurisdiction over. Two maps are attached to this report which show the areas listed under subsection (b) of Section 9b.

Eleventh, the Committee Print makes substantive changes to the amnesty program in three ways: First, the Print expands the amnesty program to include all street vendors rather than just sidewalk vendors operating in a sidewalk vending zone. The Committee does not believe it would be fair to offer this program to sidewalk vendors but not mobile roadway vendors. Second, the Print ensures any delinquent minimum sales tax payments incurred from 2010 to the effective date of the bill are eligible for the amnesty program. The Committee talked with several vendors who stated that, even though they were unable to work during two years of the pandemic, they still had to pay the quarterly minimum sales tax payment. For some vendors, this means accruing \$3,000 (\$1,500 each year) in outstanding debt that they do not have the finances to pay off. As such, it is necessary to include this debt in the amnesty program. Finally, the Print makes the amnesty program available for five years instead of one to give more time for outreach and education. Because many aspiring vendors are foreign-born and speak limited English, there needs to be ample time to conduct outreach and advertise the terms of the program to those who may be eligible so that they can take advantage of it. However, amnesty is available only to those persons if and when they apply to be a street vendor.

Twelfth, the Committee Print includes a requirement for the Mayor to conduct a public asset and vendor support study for sidewalk vendors operating in the Columbia Heights Sidewalk Vending Zone established pursuant to the bill. The study will identify potential locations for cart

⁷⁸ Email communication with D.C. Surveyor Joseph Snider, February 22, 2022.

service and storage, public restroom facilities, and an indoor market for vendors within or near the Columbia Heights-Mount Pleasant Sidewalk Vending Zone. The study would also identify potential capital improvements within the Columbia Heights Sidewalk Vending Zone to better accommodate vending activity. Per the Committee Print, the study must be commissioned and submitted to Council within a year of the effective date of the bill. The Committee believes such a study would be useful and would represent an opportunity for the District to re-orient its relationship with sidewalk vendors to be more supportive and collaborative.

In addition to the substantive changes noted in prior paragraphs, the Committee Print makes numerous minor changes and technical edits to the introduced version of the bill. For instance, the introduced version of the bill lists spaces within the Columbia Heights-Mount Pleasant Sidewalk Vending Zone by lot and square number. In the District’s current regulations, vending locations are listed by the location of the sidewalk (e.g., east, west, north, south) and street name where possible. As such, locations listed in the Committee Print adhere to current regulations.

Conclusion

For decades, the District government has approached street and sidewalk vending with hostility, leading to criminal enforcement of civil infractions, onerous fees, and overly restrictive regulations that impede people’s ability to make a living from vending. Bill 25-68 represents an opportunity to correct this dynamic by removing criminal enforcement of vending laws and regulations, reducing fees, making it easier for vendors to operate and service vending carts, establishing a sidewalk vending zone in Columbia Heights and Mount Pleasant that will serve as a pilot for a more collaborative approach to the administration of vending space and regulations, and creating an amnesty program to help vendors burdened with fines become compliant again. These desperately needed reforms will ensure that vendors and aspiring vendors—most of whom are Black or Hispanic—have a genuine opportunity to thrive. Accordingly, the Committee recommends Council approval of the Committee of the Whole Print for Bill 25-68.

II. LEGISLATIVE CHRONOLOGY

July 29, 2020	Bill 23-875, the “Street Vending Decriminalization Amendment Act of 2020,” is introduced by Councilmembers Brianne Nadeau, Charles Allen, Anita Bonds, Mary Cheh, David Grosso, Brandon Todd, and Robert White.
October 15, 2020	Bill 23-976, the “Sidewalk Vending Zones Amendment Act of 2020,” is introduced by Councilmembers Brianne Nadeau, Elissa Silverman, and Trayon White.
January 28, 2021	Bill 24-49, the “Street Vending Decriminalization Amendment Act of 2021,” is introduced by Councilmembers Brianne Nadeau, Charles Allen, Anita Bonds, Mary Cheh, Vince Gray, Christina Henderson, Janeese Lewis George, Kenyan McDuffie, and Robert White.

January 28, 2021	Bill 24-50, the “Sidewalk Vending Zones Amendment Act of 2021” is introduced by Councilmember Brianne Nadeau, Vince Gray, Janeese Lewis George, Kenyan McDuffie, Elissa Silverman, and Robert White.
February 2, 2021	Bills 24-49 and 24-50 are “read” at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official.
February 5, 2021	Notices of Intent to Act on Bills 24-49 and 24-50 are published in the <i>District of Columbia Register</i> .
August 12, 2022	Notice of a Public Hearing on Bills 24-49 and 24-50 is published in the <i>District of Columbia Register</i> .
November 16, 2022	The Committee of the Whole holds a public hearing on Bills 24-49 and 24-50.
January 25, 2023	Bill 25-68, the “Street Vendor Advancement Amendment Act of 2023” is introduced by Councilmember Brianne Nadeau and Chairman Phil Mendelson.
February 3, 2023	Notice of Intent to Act on Bill 25-68 is published in the District of Columbia Register.
February 7, 2023	Bill 25-68 is “read” at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official.
March 7, 2023	The Committee of the Whole marks up Bill 25-68.

III. POSITION OF THE EXECUTIVE

Shirley Kwan-Hui, Interim Director of the Department of Licensing and Consumer Protection, testified at the Committee’s public hearing on Bills 24-49 and 24-50 on November 16, 2022. With regard to Bill 24-49, Ms. Kwan-Hui stated that the Executive has “strong concerns” about removing criminal penalties for violations of the vending law. She noted that without potential criminal penalties, enforcement against unlicensed vendors would be particularly difficult because they do not have a fixed business address, and the agency does not have the authority to request someone’s personal identification for purposes of issuing a notice of infraction.

Ms. Kwan Hui expressed several concerns about the language in Bill 24-50. First, she noted that several locations specified in the bill are federally owned, meaning the District does not have the authority to permit vending at these locations. Second, she said that they do not use square, suffix, and lots (SSLs) as a tool for determining how many vendors can fit in a specific location, instead relying on a survey of the space itself. Third, she said the Executive does not support requiring vendors to obtain a sidewalk vending zone individual license in lieu of a basic business license. Fourth, she noted that the duties and requirements of the sidewalk vending zone manager

need to be clarified and fleshed out more. Finally, she expressed concern about the amnesty program applying only to an individual licensed to vend in a sidewalk vending zone.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

Advisory Neighborhood Commission 1A approved a resolution 9-0 in support of Bills 24-49 and 24-50 at a publicly noticed meeting on May 11, 2022. The resolution is attached.

Advisory Neighborhood Commission 1A approved a resolution 9-0 in support of Bill 25-68 at a publicly noticed meeting on February 8, 2023. The resolution is attached.

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on Bills 24-49 and 24-50 on Monday, November 16, 2022. Fifty-seven individuals testified, most in support. Selected copies of the written testimony are attached to this report.

Paola Henriquez, a public witness, testified in support of Bills 24-49 and 24-50.

Rusby Argueta, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Artemis White, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Eloisa Diaz, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Arely Andrade, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Genesis Lemus, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Ana Lemus, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Mukta Ghorpadey, ANC Commissioner for Single Member District 1A-07, testified in support of Bills 24-49 and 24-50.

Dennis Corkery, Senior Counsel at the Washington Lawyers Committee for Civil Rights and Urban Affairs, testified in support of Bills 24-49 and 24-50.

Kahssay Gebrebrhan, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Chris Damola, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

John Payne, a core organizer with Sanctuary DMV, testified in support of Bills 24-49 and 24-50.

Ana Rondon, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Jennifer Amuzie, an organizer with Sanctuary DMV, testified in support of Bills 24-49 and 24-50.

Naïké Savain, Director of Policy at the DC Justice Lab, testified in support of Bills 24-49 and 24-50.

Geoff Gilbert, Legal and Technical Assistance Provider at Beloved Community Incubator, testified in support of Bills 24-49 and 24-50.

Hiwet Tesfamichael, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Medhin Ayele, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Sunni Stuart, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Fasika Mehabe, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Ariel Levinson-Waldman, Founding President and Director-Counselor at Tzedek DC, testified in support of Bills 24-49 and 24-50.

Rasul El-Amin, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Qaadir El-Amin, with the People for Fairness Coalition, testified in support of Bills 24-49 and 24-50.

Julia Wohl, with Ward 1 Mutual Aid, testified in support of Bills 24-49 and 24-50.

Alana Eichner, Co-Director of the DC Chapter of the National Domestic Workers Alliance, testified in support of Bills 24-49 and 24-50.

Raphy Gender, Special Assistant to the President at Tzedek DC, testified in support of Bills 24-49 and 24-50.

Milca Arizca, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Bianca Vasquez, Program Director at Beloved Community Incubator, testified in support of Bills 24-49 and 24-50.

Theresa Goodwin, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Matea Salvador, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Trupti Patel, ANC Commissioner for Single Member District 2A-03, testified in support of Bills 24-49 and 24-50.

Chad Reese, Assistant Director of Activism at the Institute for Justice, testified in support of Bills 24-49 and 24-50

Jair Carrasco, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Dalexis Rodriguez, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Lauren Spokane, Synagogue Director at the New Synagogue Project, testified in support of Bills 24-49 and 24-50.

Maria Vasquez, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Dieter Morales, ANC Commissioner for Single Member District 1A-02, testified in support of Bills 24-49 and 24-50.

Bill Mefford, Executive Director of the Festival Center, testified in support of Bills 24-49 and 24-50.

Nadia Salazar Sandi, Organizing Director at DC Jobs with Justice, testified in support of Bills 24-49 and 24-50.

Megan Felix Macaraeg, Organizing Director at Beloved Community Incubator, testified in support of Bills 24-49 and 24-50.

Elias Johnson, Executive Director of Congregation Action Network, testified in support of Bills 24-49 and 24-50.

German Trinidad, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Rosa Maria Hinojosa, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Miguel Castro, a bilingual organizer with the Restaurant Opportunity Center DC, testified in support of Bills 24-49 and 24-50.

Kush Kharod, an organizer with Sunrise DC, testified in support of Bills 24-49 and 24-50.

Kristen Barden, Executive Director of the Adams Morgan Partnership BID, testified in opposition to Bills 24-49 and 24-50.

Reginald Black, the owner of Rahlowtistry, testified in support of Bills 24-49 and 24-50.

Lester Cuffie, Executive Director of DC Coalition for Housing Justice, Inc., testified in support of Bills 24-49 and 24-50.

Allie Bobak, a public witness, testified in support of Bills 24-49 and 24-50.

William Jordan, a public witness, testified in support of Bill 24-49 and in opposition to Bill 24-50.

Jeremy Munro, a public witness, testified in support of Bills 24-49 and 24-50.

Naceur Negra, a public witness, testified in support of Bills 24-49 and 24-50.

Eliana Rondon, a public witness, testified in support of Bills 24-49 and 24-50.

James Shabazz, Chairman of the Organised Vendors for Economic Cooperation, testified in opposition to Bills 24-49 and 24-50, preferring that a working group be convened.

Esau Argueta, with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Michael X, an anonymous vendor with Vendedores Unidos, testified in support of Bills 24-49 and 24-50.

Shirley Kwan-Hui, Interim Director for the Department of Licensing and Consumer Protection, testified for the Executive. Her testimony is summarized in Section III.

In addition to the testimony received by the Committee at the public hearing, the Committee received written comments from the following individuals.

Maria Cruz, with Vendedores Unidos, provided written comments in support of Bills 24-49 and 24-50.

Rudy Riley, with Vendedores Unidos, provided written comments in support of Bills 24-49 and 24-50.

Tamika Spellman, Policy and Community Engagement Manager at HIPS, provided written comments in support of Bills 24-49 and 24-50.

Soledad Miranda, with Vendedores Unidos, provided written comments in support of Bills 24-49 and 24-50.

Yannik Omictin, with Beloved Community Incubator, provided written comments in support of Bills 24-49 and 24-50.

Zainab Kamara, with Vendedores Unidos, provided written comments in support of Bills 24-49 and 24-50.

Esteban Salvador, with Vendedores Unidos, provided written comments in support of Bills 24-49 and 24-50.

Angela Salazar Munroy, with Vendedores Unidos, provided written comments in support of Bills 24-49 and 24-50.

Maricela Silva, with Vendedores Unidos, provided written comments in support of Bills 24-49 and 24-50.

Alba Huevo, with Vendedores Unidos, provided written comments in support of Bills 24-49 and 24-50.

Earl Speaks, with Vendedores Unidos, provided written comments in support of Bills 24-49 and 24-50.

Hasan Bhatti, a resident of Ward 1, provided written comments in support of Bills 24-49 and 24-50.

Juan, with Vendedores Unidos, provided written comments in support of Bills 24-49 and 24-50.

Ahoefa Ananouko, Policy Associate at ACLU-DC, provided written comments in support of Bills 24-49 and 24-50.

Mackenzie Darling, Law Fellow at HIPS, provided written comments in support of Bills 24-49 and 24-50.

VI. IMPACT ON EXISTING LAW

Bill 25-68 would amend the Department of Health Functions Clarification Act of 2001 (D.C. Official Code § 7-742.01 *et seq.*) to revise packaging and labeling requirements for cottage food businesses. The bill would also amend the Vending Regulation Act of 2009 (D.C. Official Code § 37-131.01 *et seq.*) to provide for new definitions, to establish hours of operation for vendors, to establish food cart design standards and processes for approved food cart design approval by the Department of Health, to provide for locations at which food vending carts may be serviced and stored, to establish fees for licenses and site permits, to remove criminal penalties for a violation of the act or vending regulations and require a revised schedule of penalties, to allow the Mayor to establish Sidewalk Vending Zones and to prescribe specific requirements for sidewalk vending zones and sidewalk vending zone managers, to establish the Columbia Heights Sidewalk Vending Zone, to establish an amnesty program for persons applying to vend in sidewalk vending zones, and to require the Mayor to commission a study to identify spaces, locations, and improvements that can be made to better accommodate vending activity within or near the Columbia Heights Sidewalk Vending Zone.

VII. FISCAL IMPACT

The attached March 7, 2023 fiscal impact statement from the District's Chief Financial Officer states that funds are not sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The bill will cost \$764,000 in fiscal year 2023, and \$2.35 million over the four-year financial plan. These costs are for additional staff at D.C. Health due to the revision of the cottage food law, additional staff at DLCP, lost revenue from the reduction in vending license fees, and lost revenues from the amnesty program.

VIII. RACIAL EQUITY IMPACT ASSESSMENT

The attached March 7, 2023 racial equity impact assessment (REIA) from the Council Office of Racial Equity reaches the following conclusions:

- The elimination of the criminal background check from the vendor licensing process will likely make progress toward racial equity in the District of Columbia.
- Reducing vendor licensing fees will likely improve employment and economic outcomes for Black, Indigenous, Latine, and other street vendors of color.
- Decriminalization of street vending violations will likely make progress toward racial equity in the District of Columbia.
- Expanding the definition of cottage food products and changing the design and storage requirements for food carts will likely improve economic and employment outcomes for Black, Indigenous, Latine, and other residents of color.
- The establishment of the Columbia Heights-Mount Pleasant Sidewalk Vending Zone, setting up a process for creating additional zones, and contracting sidewalk vending zone managers will likely improve economic, employment, and legal outcomes for Black, Indigenous, Latine, and other vendors of color.
- Forgiving fines, taxes, and interest owed to the District Government will likely improve economic and employment outcomes for Black, Indigenous, Latine, and other vendors of color.

The Committee agrees with these conclusions.

IX. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	Short title.
<u>Section 2</u>	Amends Part C of The Department of Health Functions Clarification Act of 2001 to revise food packaging and labeling requirements for cottage food products.
<u>Section 3</u>	Amends the Vending Regulation Act of 2009 to provide for new definitions, remove criminal background check requirements, loosen food cart design requirements for certain vendors, provide more options for vending cart servicing and storage, establish fees for licenses and permits, remove criminal penalties for vending law violations, establish a revised schedule

of civil penalties, allow the Mayor to establish sidewalk vending zones, establish a Columbia Heights Sidewalk Vending Zone, establish a sidewalk vendor amnesty program, and require the Mayor to conduct a public asset and vendor support study.

Section 4 Standard fiscal impact statement provision.

Section 5 Standard effective date provision.

X. COMMITTEE ACTION

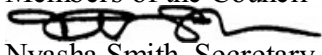
On March 7, 2023, the Committee met to consider Bill 25-68, the “Street Vendor Advancement Amendment Act of 2023.” The meeting was called to order at 11:45 a.m., and Bill 25-68 was item III-B on the agenda. Chairman Mendelson moved the print with leave for staff to make technical and conforming changes. Councilmember Nadeau spoke about the need for the bill and the positive impact it will have for street vendors. Councilmember Henderson expressed concern with the change to the cottage food law in the Print, to which Councilmember Nadeau responded. Councilmember Pinto expressed concern about changes to the cottage food law and sought to clarify whether the Print would authorize the sale of cannabis via vending. Chairman Mendelson noted that the sale of cannabis is only legal through licensed medical cannabis dispensaries and that these dispensaries cannot vend cannabis. Councilmember Parker expressed concerns about the enforcement of the law by DLCP and the changes to the cottage food law. After an opportunity for further discussion, the roll call vote on the print 11-2 (Chairman Mendelson and Councilmembers Allen, Bonds, Frumin, Lewis George, McDuffie, Nadeau, Parker, Pinto, R. White, and T. White vote aye; Councilmembers Gray and Henderson no). Chairman Mendelson then moved the report with leave for staff to make technical, conforming, and editorial changes. After an opportunity for discussion, the roll call on the report was 11-2 (Chairman Mendelson and Councilmembers Allen, Bonds, Frumin, Lewis George, McDuffie, Nadeau, Parker, Pinto, R. White, and T. White vote aye; Councilmembers Gray and Henderson no). The meeting was adjourned at 12:25 p.m.

XI. ATTACHMENTS

1. Bill 25-68 as introduced.
2. Selected Written Testimony.
3. Columbia Heights-Mount Pleasant Sidewalk Zone Maps.
4. Fiscal Impact Statement for Bill 25-68.
5. Legal Sufficiency Determination for Bill 25-68.
6. Racial Equity Impact Assessment for Bill 25-68.
7. Comparative Print for Bill 25-68.
8. Committee Print for Bill 25-68.

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council
From :  Nyasha Smith, Secretary to the Council
Date : Thursday, February 2, 2023
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Wednesday, January 25, 2023. Copies are available in Room 10, the Legislative Services Division.

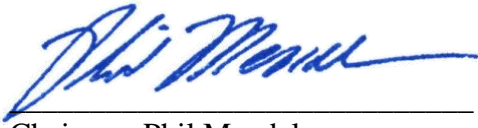
TITLE: "Street Vendor Advancement Amendment Act of 2023", B25-0068

INTRODUCED BY: Councilmember Nadeau and Chairman Mendelson

CO-SPONSORED BY: Councilmembers Allen and Gray

The Chairman is referring this legislation to Committee of the Whole with comments from the Committee on Public Works and Operations.

Attachment
cc: General Counsel
Budget Director
Legislative Services


Chairman Phil Mendelson


Councilmember Brianne K. Nadeau

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Vending Regulation Act of 2009 to remove criminal penalties for a violation of the act or a vending regulation, to allow the Mayor to establish sidewalk vending zones for sidewalk vendors to legally operate, to establish the Columbia Heights Sidewalk Vending Zone, and to waive unpaid licensing-related civil citations for sidewalk vendors who obtain a sidewalk vending zone individual license or registers with a sidewalk vending zone manager.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Street Vendor Advancement Amendment Act of 2023”.

Sec. 2. Street Vending Decriminalization.

Section 9 of the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; D.C. Official Code § 37-131.08) is amended by striking subsection (b).

Sec. 3. Vending Zones.

The Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; D.C. Official Code § 37-131.01 *et seq.*) is amended as follows:

(a) Section 9 (D.C. Official Code § 37-131.08) is amended by adding a new subsection

(c) to read as follows:

“(c) A person who violates the provisions of this act or any regulations issued pursuant to this act from vending exclusively from a sidewalk shall be exempt from the criminal penalties provided in subsection (b) of this section.”.

(b) New sections 12 and 13 are added to read as follows:

“Sec. 12. Sidewalk vending zones and licensing.

“(a) The Mayor may establish sidewalk vending zones with at least 3 designated vending spaces within each zone. A sidewalk vending zone shall:

“(1) Limit the number of sidewalk vendors allowed in each vending space to a number determined by the Mayor;

“(2) Permit sidewalk vendors to move from one vending space to another within the same sidewalk vending zone;

“(3) Deny entry to additional sidewalk vendors if the sidewalk vending zone has reached maximum capacity;

“(4) Require all sidewalk vendors to conspicuously display their sidewalk vending zone individual license, sidewalk vending zone manager license, or proof of registration with a sidewalk vending zone manager; and

“(5) Require all sidewalk vendors to vend from a temporary table or a cart that contains no motor or open fires, is able to be moved by hand, and is no more than 3 ft. in width and 6 ft. in length.

“(b) Members of the public may submit a written request to the Mayor for the establishment of a sidewalk vending zone, the establishment of vending spaces within a proposed sidewalk vending zone, or the establishment of or changes to vending spaces within an existing sidewalk vending zone. The Mayor shall solicit community input and respond in writing to this request in a public forum within 60 days. If the request is denied, the written response shall provide an explanation for the decision.

43 “(c) Notwithstanding the requirements of sections 3 through 5 of this act, a person shall
44 not vend from a sidewalk vending zone unless:

45 “(1) The person holds a basic business license properly endorsed as provided in
46 section 3(c) of this act and holds a sidewalk vending zone individual license or a sidewalk
47 vending zone manager license; or

48 “(2) The person has registered with a sidewalk vending zone manager.

49 “(d) The Mayor may issue:

50 “(1) A sidewalk vending zone manager license to a person who:

51 “(A) Is a non-profit entity, headquartered in the District, that is familiar
52 with the needs of the vendor population it seeks to manage, or a vendor-organized cooperative;

53 “(B) Holds a basic business license properly endorsed as provided in
54 section 3(c) of this act;

55 “(C) Holds public liability insurance and agrees to cover all sidewalk
56 vendors that have registered with the sidewalk vending zone manager;and

57 “(D) Assumes liability for any penalty assessed for any vending violation
58 incurred by a registered sidewalk vendor.

59 “(2) A sidewalk vending zone individual license to a person who:

60 “(A) Holds a basic business license properly endorsed as provided in
61 section 3(c) of this act;

62 “(B) Holds public liability insurance; and

63 “(C) Is compliant with all health laws and regulations; and

64 “(e) A sidewalk vending zone manager:

“ (1) May register sidewalk vendors under its sidewalk vending zone manager license;

“ (2) Shall maintain an updated list of sidewalk vendors who they have registered;

“ (3) May charge an annual administrative fee of no more than \$50 per registrant;

“ (4) Shall take reasonable action to ensure that every registered sidewalk vendor is compliant with all health laws and regulations; and

“ (5) May discontinue the registration of a sidewalk vendor who violates any provision of this Chapter.

“ (f) Sidewalk vendors shall:

“ (1) Be exempt from obtaining permits for the occupation of public space, public rights of way, and public structures pursuant to D.C. Official Code § 10-1141.03.

“ (2) Only vend in the sidewalk vending zones for which:

“ (A) They hold a sidewalk vending zone manager license;

“ (B) They hold sidewalk vending zone individual license; or

“ (C) The sidewalk vending zone manager with whom they are registered holds a sidewalk vending zone manager license.

“ (g) The Mayor shall collect as a biennial fee:

“ (1) No less than \$1,500 for each sidewalk vending zone in which a sidewalk vending zone manager operates; and

“ (2) No less than \$70 for each sidewalk vending zone individual license that is issued.

86 “(h) A license or registration provided under subsections (c) through (e) of this section
87 shall constitute a revocable license and a sidewalk vendor shall not acquire a property interest in
88 the license or registration.

89 “(i)(1) There is established an amnesty program for any person liable for unpaid
90 licensing-related civil citations under section 9 of this act. The amnesty program shall be
91 available for one year following its establishment.

92 “(2) The amnesty program shall forgive all unpaid licensing-related civil citations
93 from 5 years prior to the effective date of this act to any person who obtains a sidewalk vending
94 zone manager license, a sidewalk vending zone individual license, or registers with a sidewalk
95 vending zone manager.

96 “(3) A person may file an application for amnesty with the Mayor that includes:

97 “(A) A copy of each citation accrued; and

98 “(B) A copy of the person’s sidewalk vending zone manager license,
99 sidewalk vending zone individual license, or proof of registration with a sidewalk vending zone
100 manager.

101 “(4) The Mayor shall publicize, for one year, the terms and conditions of the
102 amnesty program.”.

103 “(j) For purposes of this section, the terms:

104 “(1) “Sidewalk vending zone manager” means a District-based person who holds
105 a valid sidewalk vending zone manger license.

106 “(2) “Sidewalk vending zone” means a location on sidewalks designated by the
107 Mayor or by this act with 3 or more designated vending spaces at which a person may vend.
108 designated section of the District in which there are 3 or more designated vending spaces.

“(3) “Sidewalk vendor” means a person who sells goods or food from a temporary table or a cart on the sidewalk.

“(4) “Vending space” means a designated area within a sidewalk vending zone where sidewalk vendors may operate. A vending space includes a sidewalk, public space, public plaza, parks, public realm, or private space with the correct Certificate of Occupancy.

“(j) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1958 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*) shall issue rules to implement this section within 120 days after the date when this act goes into effect.

“Sec. 12. Establishment of the Columbia Heights Sidewalk Vending Zone.

“(a) There is established the Columbia Heights Sidewalk Vending Zone, comprised of the geographic area bounded by a line that begins on the northeast corner of the intersection of Irving Street, N.W. and 17th Street, N.W., north along 17th Street, N.W. to the northwest corner of 17th Street, N.W. and Park Road, N.W., east along Park Road, N.W., until the northwest intersection with 14th Street, N.W., north along the west side 14th Street, N.W. until the northwest corner of 14th Street, N.W. and Oak Street, N.W., and south along the east side of 14th Street, N.W., to the northeast corner of 14th Street, N.W. and Irving Street, N.W., and west along Irving Street, N.W. until the 17th Street, N.W. intersection.

“(b) The vending spaces within the Columbia Heights Sidewalk Vending Zone shall be:

“(1) Space I (Lamont Plaza at Lamont Street, N.W., 17th Street, N.W., and Mt. Pleasant Street, N.W.), located at Lot 800 in Square 2608W, with a limit of 12 vendors;

“(2) Space II (Triangle Park at Park Road, N.W., Pine Street, N.W., and 16th Street, N.W.), located at Lot 803 in Square 2675W, with a limit of 16 vendors;

“(3) Space III (Triangle Park at Oak Street, N.W., Ogden Street, N.W., and 14th Street, N.W.), located at Reservation 310B, with a limit of 6 vendors;

“(4) Space IV (Civic Plaza at Kenyon Street, N.W., 14th Street, N.W., and Park Road, N.W.), located at Lot 834 in Square 2843, with a limit of 15 vendors;

“(5) Space V (NE Columbia Heights Station, northeast corner of 14th Street, N.W., and Irving Street, N.W., the sidewalk area southeast of Columbia Heights Station entrance/exit), located at Lot 871 in Square 2848, with a limit of 5 vendors; and

“(6) Space VI (Triangle park at 16th ST NW, 15th St. NW and Irving St. NW), located at Reservation 565, with a limit of 3 vendors.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect after approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 24-49, Street Vending Decriminalization Amendment Act of 2021

Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021

on

Wednesday, November 16, 2022 at 12:00 p.m.

Chairman's Website (www.ChairmanMendelson.com/live)

DC Council Website (www.dccouncil.us)

Council Channel 13 (Cable Television Providers)

Office of Cable Television Website (entertainment.dc.gov)

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on **Bill 24-49**, the "Street Vending Decriminalization Amendment Act of 2021," and **Bill 24-50**, the "Sidewalk Vending Zones Amendment Act of 2021." The hearing will be held on **12:00 p.m. on Wednesday, November 16, 2022** via Zoom Video Conference Broadcast.

The purpose of Bill 24-49 is to decriminalize unlicensed street vending so that there are no potential criminal penalties associated with the infraction. The purpose of Bill 24-50 is to allow the Mayor to establish sidewalk vending zones, to establish a Columbia Heights Sidewalk Vending Zone, and to waive unpaid infractions for unlicensed sidewalk vendors who obtain a sidewalk vending zone license or register with a sidewalk vending zone manager.

Those who wish to testify must register at <http://www.ChairmanMendelson.com/testify> by **5:00 p.m. on Monday, November 14, 2022. Testimony is limited to four minutes; less time will be provided if there are a large number of witnesses.** Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding. We will make every effort to fulfill timely requests, although alternatives may be offered. Requests received in less than five business days may not be fulfilled. If you have additional questions, please contact Blaine Stum, Senior Policy Advisor, at (202) 724-8092.

The hearing will be conducted virtually on the Internet utilizing Zoom video conference technology. Testimony should be submitted in writing to cow@dccouncil.us in advance of the hearing. Written testimony will be posted publicly to <http://www.chairmanmendelson.com/testimony>. If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Statements for the record should be submitted to cow@dccouncil.us or left by voicemail by calling (202) 430-6948 (up to 3 minutes which will be transcribed). The record will close at 5:00pm on Wednesday, November 30, 2022.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
WITNESS LIST**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING**

on

Bill 24-49, Street Vending Decriminalization Amendment Act of 2021

Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021

on

Wednesday, November 16, 2022 at 12:00 p.m.

Chairman's Website (www.ChairmanMendelson.com/live)

DC Council Website (www.dccouncil.us)

Council Channel 13 (Cable Television Providers)

Office of Cable Television Website (entertainment.dc.gov)

PUBLIC WITNESSES

- | | |
|--------------------|--|
| 1. Paola Henriquez | Public Witness |
| 2. Rusby Argueta | Vendors United |
| 3. Artemis Whyte | Vendors United |
| 4. Eloisa Diaz | Vendors United |
| 5. Arely Andrade | Vendors United |
| 6. Genesis Lemus | Vendors United |
| 7. Ana Lemus | Vendors United |
| 8. Mukta Ghorpadey | ANC Commissioner, 1A07 |
| 9. Sequenely Gray | DC Jobs With Justice |
| 10. Dennis Corkery | Washington Lawyers Committee for Civil Rights
and Urban Affairs |

11. Edilma Alvarez	Vendors United
12. Kahssay Gebrebrhan	Vendors United
13. Chris Damola	Vendors United
14. John Payne	Sanctuary DMV
15. Ana Rondon	Harriet's Wildest Dreams
16. Maria Cruz	Vendors United
17. Gloria Gomez	Vendors United
18. Mari Guzman	Vendors United
19. Magnolia Alvarez	Vendors United
20. Jennifer Amuzie	Sanctuary DMV
21. Naïké Savain	DC Justice Lab
22. Geoff Gilbert	Beloved Community Incubator
23. Hiwet Tesfamichael	Vendors United
24. Medhin Ayele	Vendors United
25. Meraf Belay	Vendors United
26. Aliganash B	Vendors United
27. Fasika Mehabe	Vendors United
28. Ariel Levinson-Waldman	Tzedek DC
29. Yannik Omictin	Beloved Community Incubator
30. Rasul El-Amin	Vendors United
31. Queeny Belfon	Vendors United

32. Rudy Riley	Vendors United
33. Qaadir El-Amin	People for Fairness Coalition
34. Robert Warren	Vendors United
35. Julia Wohl	Ward 1 Mutual Aid
36. Daniel Dominguez	Public Witness
37. Tamika Spellman	HIPS
38. Alana Eichner	National Domestic Workers Alliance
39. Soledad Miranda	Vendors United
40. Zainab A	Vendors United
41. Esteban Salvador	Vendors United
42. Angela Salazar	Vendors United
43. Justin Haas	Resource Generation
44. Celeste Smith	Public Witness
45. Raphy Gendler	Tzedek DC
46. Milca Arizca	Vendors United
47. Bianca Vasquez	Beloved Community Incubator
48. Santiago Gonzalez	Vendors United
49. Theresa Goodwin	Vendors United
50. Matea Salvador	Vendors United
51. Dominique Hazzard	Vendors United
52. Maricela Silva	Vendors United
53. Alba Huevo	Vendors United

54. Elizabeth Geglia	Public Witness
55. Trupti Patel	ANC Commissioner, 2A03
56. Chad Reese	Institute for Justice
57. Benito Bonilla	Vendors United
58. Jair Carrasco	Vendors United
59. Dalexis Rodriguez	Vendors United
60. Reverend Rondesia Jarrett-Schell	St. Stephen and the Incarnation Episcopal Church
61. Lauren Spokane	New Synagogue Project
62. Maria Vasquez	Vendors United
63. Dieter Morales	ANC Commissioner, 1A02
64. Bill Mefford	The Festival Center
65. Nadia Salazar Sandi	Organizing Director, DC Jobs With Justice
66. Maria Guevarra	Vendors United
67. Megan Felix Macaraeg	Beloved Community Incubator
68. Elias Johnson	Congregation Action Network
69. Dieter Morales	ANC Commissioner, 1A02
70. Reyna Sosa	Vendors United
71. Sunni Stuart	Vendors United
72. German Trinidad	Vendors United
73. Rosa Maria Hinojosa	Vendors United
74. Miguel Castro	Restaurant Opportunity Coalition DC

75. Antonio Hernandez	Vendors United
76. Kush Kharod	Sunrise DC
77. Kristen Barden	Executive Director, Adams Morgan Partnership BID
78. Reginald Black	Owner, Rahlowtistry
79. Lester Cuffie	DC Coalition for Housing Justice, Inc.
80. Allie Bobak	Public Witness
81. Ana Flores	Vendors United
82. Calvin Jackson	Public Witness
83. William Jordan	Columbia Heights Public Realm
84. Jeremy Munro	Public Witness
85. Ana Zambrana	Vendors United
86. Naceur Negra	Public Witness
87. Emily Paul	Public Witness
88. Cristobal Hernandez	Vendors United
89. Earl Speaks	Vendors United
90. Eliana Rondon	Public Witness
91. James Shabazz	Organised Vendors for Economic Cooperation
92. Esau Argueta	Vendors United
93. Francisca Chachagua	Vendors United
94. Gabrielle Newell	Public Witness
95. Vick Baker	Ward 1 Mutual Aid

- | | | |
|-----|------------------|----------------|
| 96. | Michael X | Vendors United |
| 97. | Vaccine A. Ortiz | Vendors United |
| 98. | Zi Zhang | Vendors United |

GOVERNMENT WITNESSES

- | | | |
|-----|------------------|--|
| 99. | Shirley Kwan-Hui | Interim Director, Department of Licensing and
Consumer Protection |
|-----|------------------|--|

Español Abajo

Rusby Argueta
DC Street Vendor & Small Food Business Owner; Member of Vendors United
Testimony before the Committee of the Whole Hearing on Street Vending
November 16, 2022

Good afternoon, my esteemed City Council members of Washington, DC. My name is Rusby Argueta. I'm grateful to have this opportunity to explain the things I need, not just my own, but for all street vendors. These are needs we've had for many years. We've been seeking support for years and we have waited for an answer for years. And we haven't received one. I have been a street vendor for 11 years, and during this time I have had such a struggle. At the beginning, the police harassed and abused us so heavily. They gave us heavy tickets. I personally received at least \$600 in tickets from my work.

I would really like you to take our requests seriously today, because you are the people that can make the changes that need to happen so street vendors can have better lives, and work with dignity and respect.

I have been a street vendor for 11 years, and during this time I have had such a struggle. At the beginning, the police harassed and abused us so heavily. They gave us heavy tickets. I personally received at least over \$600 in tickets. This was a heavy blow to my finances. But because of my faith and my strength of will, I decided to organize to change this unjust situation.

Let me tell you what I do every day. I vend in front of a community center called Centro Nia. My clients are children, parents, and teachers who work at Centro Nia. I'm also known in my neighborhood, so people come to the neighborhood on Columbia Road between 14th and 15th. I get up at 4 in the morning to prepare fresh atol de elote, pupusas, and salvadoran chicken sandwiches. At 6, I am at my spot. At 6. Because there is also a bus stop I serve the people waiting to get on the bus to go to work. After the big rush of parents dropping off children and people going to work, things slow down a little at 9. After 9, I go back home and prepare my second shift of food, completely fresh, for the second shift that will go from 1-5:30 p.m. After 5:30, I go to church EVERY DAY. And every day, I pray for my street vendor "family" who is selling til late at night.

It's hard to describe the kind of humiliation you feel when you have to swallow the words you would use to defend yourself from the police. I remember being humiliated by them so many times, being threatened with arrest. This happened in front of my clients in front of Centro Nia. This policeman told me once, right in front of her, that if I took the money she was going to use to pay for her food, he would arrest me right there. She whispered to me, I'll "come back tomorrow" to pay you and she did.

The last ticket I was given was from a DCRA and a Dept of Health Inspector. My daughter was translating for me because neither of them spoke English. She was only 9 years old. I asked

them to wait for an adult to come and translate but they wouldn't. My daughter was terrified and told me, "mami, mami, let's run," and she grabbed my cart. I said to her, "no wait" and she said no, mami, "I've heard that the police will shoot you and right there, you will be dead and nothing will happen to them." "I don't want to stay, please let's run," but we had to stay there while they wrote me a ticket. In that moment, I understood the level of fear my daughter had as well.

I often give away food to children, mothers, and elders as they are coming and going from Centro Nia. When people don't have money, I give them credit and let them pay me when they can. Sometimes, when I see people who obviously need to eat but have no money, I just give away food. When elders come into Centro Nia, for example I have a client from Costa Rica who is 83 years old. We have become friends. She has no family here and we live on the same block. One day she said to me, "my dear daughter, I'll take care of your cart while you go inside to take care of the food." I take care of her every opportunity I have because she is alone and feels abandoned and has a lot of needs. Thank God that everything I vend is healthy and carefully prepared. She has NEVER gotten sick from my food. During the pandemic I went to her house—she would only let me and 1 other neighbor come into her house. Before the pandemic, I once let her take care of my cart while I ran inside to do an errand for 5 minutes. She felt a sense of purpose and belonging. My client gave her money for my pupusas and I just felt really good to see her earn her own little bit of money, even if it was only working for 5 minutes.

During an entire year in the early days of the pandemic, I took care of her together with another friend. She didn't go out to do anything. I also didn't leave my house much—I had to stop my daily visits to church and only attended video services. When I would make my food, I would make her food as well. I knew I couldn't help her solve all her health challenges, but I could make sure she wasn't hungry. Finally, when we could begin to safely leave, she got terrible news. She had an entire year of rent to pay. We didn't have information about any of the programs. When she was called into court, she was actually taken into custody and sent to a home for elders and it was not more than 3 months there that she died.

No one came for her, no family is coming for her. We ran there and my friend and 3 other neighbors went to be there to pay our respects. There were only 5 of us but she was remembered

We are here in the street just for ourselves and our own benefit. We are here to love and take care of the community. We often encounter people with even deeper needs than ourselves and it is an opportunity for us to help. And I just want to keep doing what I am doing feel happy to keep following my calling and doing what I am doing.

When it's my time and I'm gone, I want you all to build a statue of me standing outside of Centro Nia greeting everyone and taking care of my neighbors, because that's what I did practically every day of my life.

Eloisa Diaz
DC Street Vendor & Small Food Business Owner; Member of Vendors United
Testimony before the Committee of the Whole Hearing on Street Vending
November 16, 2022

Good afternoon, my esteemed City Council members of Washington, DC. My name is Eloisa Diaz and I have been street vending for 4 years. I bring coconuts, lychees, seasonal fruits - it's better than what Giant or Safeway sells. I also sell empanadas, atol de piña and atol de elote. I have been giving away soup and different drinks almost every week at a Ward 1 Mutual Aid table on Saturdays in Columbia Heights since early on in the pandemic, and I am called to vending to care for the community. My faith is to help people. Love and faith. It's not just about being a vendor - I enjoy to see that I can help somebody else.

I used to vend on Georgia Avenue and on Taylor street in Petworth and I have found community on 14th street in Columbia Heights. They call me Mama, the unhoused people who congregate at Civic Plaza near Eloisa's vending spot. We're united - I need a place to sleep, you need a place to sleep. I don't put away someone in need. Just because someone has fallen, we shouldn't make it worse. I often sell customers food on credit, allowing people in need of food to pay when they can. My customers usually return and pay - if I treat people well, they will treat me well.

Eloisa migrated from Venezuela to the US in the late 1980s in hopes of earning money and returning home. I thought I could stay one year and go back home and get a little house. Nothing has worked the way I thought it was supposed to.

I worked in housekeeping for many years after migrating to the US - primarily in people's houses and for a short stint in a hotel. A couple years ago, I decided to turn to vending to earn income because the cleaning work was taking a physical toll. It damaged my joints. I stopped because I cannot kill myself doing this all of my life.

Street vending is hard work. I often work from 7am until later than 7pm and travel to Jessup, Maryland in order to buy wholesale food at affordable prices. I live in a very small apartment off Georgia Avenue in Petworth and don't always have space to store my vending equipment. I am only able to keep a small vending cart due to the lack of storage space, and must travel between my apartment and vending spot on 14th street multiple times during the day in order to get more inventory to sell. I spend a significant percentage of the money that I earn for space at local storage facilities - often more than \$200 per month. Having storage space right there where we vend would be good. It'd be perfect because I could close at any time and put everything right there. It'd be very convenient.

Negative interactions with the police and inspectors from the Department of Consumer and Regulatory Affairs (DCRA) have been another challenge I have faced as a street vendor. Currently, street vending in DC is a misdemeanor offense punishable up to 90 days in prison and street vendors can be fined up to \$16,000 for repeat citations for vending without a license.

I remember one day when an inspector came up to me on Taylor street and threatened to fine me \$2,000 - far more than I earn in a month - for vending without a license. I recall another day vending in front of the building where I live when the police came running out of their car. They told me that I shouldn't be selling because I don't have a license and they wrote me a ticket. A couple of months later, the same policeman came back and chased me all the way into my building. I was so nervous. I remember this instance and many humiliating experiences when the police threatened to take my food and supplies. It's crazy, we're trying to find a way to make it. The police commit crimes because they kill our soul, they kill us emotionally. It's not fair that they do this just because they are wearing a uniform.

It would be good to get a vending license but it isn't a help if it's so expensive. It costs more than \$2,000 to obtain a street vending license and street vending site permit in DC. City regulators don't offer payment plans for vendors seeking to obtain licenses, so we need to find the money to pay up front or face the constant threats of significant fines for vending without a license. We receive \$300 fines for vending without a license and then are unable to apply for a license before paying off significant fines because DC's Clean Hands Law prevents anyone from applying for any license or permit if they owe more than \$100 to the city.

If we don't make enough money to live, how can I pay big money for a license? It's not fair.

I dream of having protection from the rain and wind from a covered area to vend, with affordable storage space nearby. I have noticed that people seem to like the outdoor dining areas that restaurants have built on sidewalks during the pandemic as part of the city's streateries program - and I think streateries are a good thing. It's unfair restaurants have that and vendors don't - but they have a license. We wish the city would support us so that we can support the community.

Español Abajo

Arely Andrade

DC Street Vendor & Small Food Business Owner; Member of Vendors United
Testimony before the Committee of the Whole Hearing on Street Vending
November 16, 2022

My name is Arely Andrade. Thank you for giving vendors like me the opportunity to testify before the DC City Council. For years, I worked in restaurants, and when the pandemic came, all the restaurants closed. So I decided to go to the streets to work and to vend. I started selling masks in the street so I could survive, and be able to support myself and my daughter. I am a single mother and I did this all throughout the pandemic.

I am also an excluded worker and didn't receive any unemployment benefits. I'm grateful for the DC Cares program and the cash support I received. I spoke for three years to the TV stations and newspapers to make sure people like me who work in cash would not be forgotten by DC. But that wasn't enough for me to really recover from the losses we suffered during the pandemic.

I'm living with cancer and it came back from remission during the pandemic. My boss in the restaurant would not let me go to my chemotherapy appointments, so street vending gave me the freedom to work for myself. I'm a single mother but I also support my parents in El Salvador. I have a daughter named Kimberly and we spent a lot of time together outside, street vending, during the pandemic. Kimberly and I are very close since I am a single mother. I don't know why the police would come and chase us off, since we were vending masks to people on the street they could wear before they walked into the stores. It was disrespectful and humiliating to be chased off by the police when Kimberly and I were helping the public stay safe and helping ourselves at the same time.



Kimberly Andrade, 13, has been taking care of her mom, who recently had a bout with cancer. (Marvin Joseph/The Washington Post)

We need easier access to street vending licenses, PLEASE, so we can work in peace and be

protected from police harassment. I made the effort to become certified as a food manager, but I still don't have a license because the process is so difficult and expensive.



Arely Andrade blows bubbles during Saturday's protest supporting excluded workers. (Michael Blackshire/The Washington Post)

We all saw many losses during the pandemic, but I lost someone very close to me, one of the first people to die in Columbia Heights. She was like a mother to me and helped me through my first episode with cancer. Kimberly was just a baby and I don't know what I would have done without her support. Now, I have had to go through this second bout with cancer without her support. I still continue to push forward, with love and faith. Street vending is not an easy job and definitely it is not easy for me as a single mother with cancer. But I have never given up.

The DC City Council needs to recognize our work as honorable and dignified. We work hard every day to survive. We bring our culture and watchful eyes to the

street. We take care of children and elders. The least we deserve is access to licenses, and financial support to help our businesses recover from the pandemic.



Mukta Ghorpadey

Advisory Neighborhood Commissioner for 1A07

**11/16/2022 Committee of the Whole
Public Hearing on Bill 24-49 and 24-50**

My name is Mukta Ghorpadey and I am the Advisory Neighborhood Commissioner for single member district 1A07. Through ANC 1A, I also founded and chair the Employment and Training Committee.

Outside of that, I am the Director of National College and Career Services at Urban Alliance, where I help young people find jobs and stability after leaving high school. In all my capacities, I am reminded daily of the acute impacts that the quality of a job can have on someone's physical, mental, and emotional health.

I am here today to demonstrate my unequivocal support of these two street vending bills.

When I first moved to DC, my best friend lived in what is now my single member district and I got to experience Columbia Heights for the first time. I decided I would one day live in Columbia Heights because of its life, diversity, and beauty – and because I could buy a coconut on the street. It reminded me of where I come from and the food that raised me. To me, street vending has always been one of my favorite things about my favorite part of this city. Street vendors are sharing their food and culture every day and are an unmovable piece of Columbia Heights' vibrancy.

Through the years, I have also gotten to know some of these vendors. I've heard about the hard work it takes for them to show up every day and the fear they feel because of consistent harassment and violence from the police. These are Black and brown folks that have been left out or pushed out of traditional employment channels that have instead found a way to feed their families and their neighborhoods through street vending. Instead of being treated as small business owners by this city's government, vendors are criminally punished, pushing them farther away from the ability to enter the formal economy.



It makes absolutely no sense how this city feels it can punish and fine and jail folks into compliance, while conveniently ignoring the collateral consequences vendors face from criminal convictions and citations. I have seen first-hand the impacts that fines have on the ability for folks to meet their base needs, which then further limits their economic mobility. I have seen the impacts of convictions and citations on people's housing and immigration stability, which then further enhances the fear and anxiety they feel in our city every day. And I have seen the impact that losing a livelihood has on a person's, and a family's, overall wellness and feeling of community. The state of street vending laws in this city now, is cruel and this city needs to do better.

In May of this year, I introduced a resolution of support for these two street vending bills and ANC 1A passed it unanimously. A month earlier, a tiny but extremely vocal minority of residents had tried to stop street vendors from putting on an event at the Trolley Park at 11th and Monroe St. They used words like, "I didn't sign up to live in a third world country" and referenced vendors as "criminals." Instead of halting the event, however, these words and calls to authorities only brought out more neighbors in support. The event was beautiful and filled with families and music and neighbors coming together for the first time in a long time.

Criminalizing street vending not only threatens people's livelihoods, it also gives voice to extremely dangerous rhetoric that others our neighbors. I represent constituents in Columbia Heights, which includes our small business owners that street vend every day. I cannot imagine and do not want to imagine a Columbia Heights without our vendors and that is why I urge the council to pass the Street Vending Decriminalization Amendment Act and the Sidewalk Vending Zones Amendment Act to ensure that all of our neighbors are safe, healthy, and empowered to build the lives they envision.



ADVISORY NEIGHBORHOOD COMMISSION 1A

SMD 1A01 – Layla Bonnot
SMD 1A04 – Chris Hall
SMD 1A07 – Mukta Ghorpadey
SMD 1A10 – Rashida Brown

SMD 1A02 – Dieter Lehmann Morales
SMD 1A05 – Christine Miller
SMD 1A08 – Kent C. Boese
SMD 1A11 – Dotti Love Wade

SMD 1A03 – Carlo Perri
SMD 1A06 – Brandolon Barnett
SMD 1A09 – Michael Wray
SMD 1A12 – Vacant

Commissioner Mukta Ghorpadey
ANC 1A07

Commissioner Christine Miller
ANC 1A05

Resolution Requesting Hearing for B24-0049 “The Street Vending Decriminalization Amendment Act of 2021” and B24-0050 “Sidewalk Vending Zones Amendment Act of 2021”

Whereas: In February 2021, DC Ward 1 Councilmember Brianne Nadeau introduced two bills that would take positive steps toward reforming the most violent aspects of DC’s street vending laws.

Whereas: The Street Vending Decriminalization Amendment Act of 2021 (B24-0049) would remove criminal penalties for vending without a proper license. Unlicensed selling would remain a civil infraction enforced by the city’s Department of Consumer and Regulatory Affairs.

Whereas: The second vendor reform bill, the Sidewalk Vending Zones Amendment Act of 2021 (B24-0050), would amend the city’s Vending Regulations Act of 2009 to establish designated zones for sidewalk selling, and allow vendors to apply to the Mayor’s office to establish new zones. Included in the bill is a proposal for a Columbia Heights Sidewalk Vending Zone, which would encompass six vending spaces and include up to 57 total vendors.

Whereas: B24-0049 ensures the decriminalization of street vending, which will act as a deterrent to escalation between the community and police. B24-0050 also creates pathways to licensing through two special licenses — one that can be held by an individual vendor, and another that can be obtained by nonprofits and cooperatives that manage sidewalk sellers. Once registered, licensed sellers could operate and move within vending zones. Any vendor who receives a license under the new bill (if passed) would be granted amnesty, retroactively for up to five years, for any unpaid civil citations.

Whereas: As detailed in a report on street vending in DC titled, “[Where the Sidewalk Ends](#),” published in February 2021 by the Beloved Community Incubator with the American University Washington College of Law Community and Economic Development Law Clinic, the rules and regulations governing street and sidewalk vending in DC are a complex maze that vendors must follow in order to not face civil or criminal penalty. This incredibly long list of required rules and regulations gives the police immense discretion to disrupt vendors on the street and sidewalk. As a result, vendors experience heightened fear, uncertainty, and instability in their livelihoods.

Whereas: The DC Police Reform Commission, in their Full Report published in April 2021, recommended that the Council decriminalize low-level offenses including illegal street vending and



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SMD 1A12 – Vacant

panhandling. The Reform Commission wrote, “too often, the District police, arrests, and jails low-income residents for engaging in “crimes of survival,” behaviors that are the result of failures of the social safety net and that have no impact on public safety.

Whereas: Enforcement of DC’s current street vending regime has a massive disproportionate racial impact and is an urgent civil rights issue. An overwhelming majority, more than 95 percent, of vendors in our community are Latine and/or Black. .

Whereas: Street vendors in our community face serious collateral consequences arising from the criminalization of street vending. These consequences have wide-ranging effects on an individual’s ability to secure employment or housing, maintain their tenuous immigration status, and maintain eligibility for government resources. For example, the DC Department of Consumer and Regulatory Affairs will often deny a vendor’s initial application or a renewal application for a Vending Business License if the vendor has a conviction for vending without a license. A criminal citation for illegal street vending can limit a vendor’s access to employment and housing. And, for many immigrant street vendors, a criminal penalty from street vending can render them and their families vulnerable to Immigration and Customs Enforcement proceedings.

Whereas: ANC 1A continues its support for the decriminalization of street vending and the overhaul of the street vending licensing process. These laws will ensure that street vendors, hard-working and vital members of our community, deserve the workplace protections and structural conditions needed to promote their economic opportunity, entrepreneurship, and cultural expression.

Therefore, be it resolved that: ANC 1A requests Council hold a public hearing on B24-0049 and B24-0050 and move forward to a vote within this calendar year.

And be it finally resolved that: The Chair of ANC 1A, or any member of the Executive Committee or designee in their absence, shall be authorized to communicate this resolution to the members of the Council of the District of Columbia and all governmental agencies.

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Certification:

At a regularly scheduled and publicly noticed meeting held on May 11, 2022 Advisory Neighborhood Commission 1A considered the above resolution. With a quorum of 9 Commissioners present, the Commission voted with 9 yea’s, 0 no’s, and 0 abstentions to adopt the above resolution.



WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN AFFAIRS

Committee of the Whole

November 17, 2022

Dennis A. Corkery

Senior Counsel,

Washington Lawyers' Committee for Civil Rights and Urban Affairs

Street vending is an economic lifeline for many District residents of color who are cut off from traditional jobs. Street vending is a part of the cultural fabric of this city. Street vending is also nearly impossible to do while in compliance with the District's overly complicated and expensive regulatory scheme. The fines are too high and there are too few spots in this City for vendors to vend. This Council has already taken action to remove criminal penalties for not adhering to that complicated scheme – but it will be years before that goes into effect. The Council needs to remove those penalties now and to make vending easier and more accessible. It has the opportunity to do that before 2022 ends. And it should do so because this is a matter of racial justice.

My name is Dennis Corkery. I am a Senior Counsel at the Washington Lawyers' Committee for Civil Rights and Urban Affairs ("the WLC"). I am also a resident of the Mt. Pleasant neighborhood. Street vendors are my neighbors. They are fixtures in the community that I see every day and are part of why I am proud to live and work in the District. The WLC supports the passage of both the Street Vending Decriminalization Act of 2021 and the Sidewalk Vending Zones Amendment Act of 2021, and we urge the DC Council to act on these bills before the year's end.

Street vendors in the District are overwhelmingly Black and Brown individuals.¹ Many of them are immigrants, and many of them do not have legal status.² These vendors sell traditional El Salvadorian food as the Spanish speaking-mass gets out at Sacred Heart Church, hot dogs to hungry attorneys rushing into Superior Court, and beautiful artwork to the leisurely shoppers on 14th Street.³ During the holiday rushes, street vendors have Valentines and Mothers' Day bouquets ready for the last minute shopper catching the Columbia Heights Metro station. Immigrant vendors share their traditions and culture with all of us in the District. They also support the DC economy by purchasing supplies and ingredients from wholesalers and driving foot traffic to other shopping areas.⁴ These members of the community deserve better.

¹ *Where the Sidewalk Ends Part II*, Beloved Community Incubator, 4.

² *See Where the Sidewalk Ends*, Beloved Community Incubator, generally.

³ *Where the Sidewalk Ends Part II*, Beloved Community Incubator, generally.

⁴ Indeed a study by the Institute of Justice estimated that in the year 2012 alone, street vendors added \$292.7 million dollars to the New York City Economy through wages and spending. *See* Carpenter, Dick M. *Upwardly Mobile: Street Vending and the American Dream*. September, 2015. 28-30.

A. Current DC Law Creates Draconian Barriers to Legally Street Vending

Despite the positive cultural and economic benefits that street vendors provide to the District, they face plenty of obstacles to successfully sell their wares without fear and in compliance with the law as it currently stands. They encounter the same barriers that other workers of color face in doing their jobs such as discrimination from law enforcement, creditors, and DC Government officials unwilling to speak to them in a language other than English. They are also subject to byzantine regulations and restrictions that even seasoned attorneys would have trouble following. For example, a street vendor needs both a basic business license and a vending permit.⁵ Such business license requires a tax ID and corporate registration.⁶ For those selling food, it requires additional certifications.⁷ Vending site permits are only issued for a few designated locations in the city,⁸ which limits their availability and the ability of a vendor to move to where foot traffic and business might be more profitable.⁹ There are fees involved with each of these processes, which can total in the thousands of dollars.¹⁰ The law requires vendors to interact with three different DC agencies: the Office of Tax and Revenue, the Department of Health, and the Department of Licensing, which was formerly the highly troubled and ineffective Department of Consumer and Regulatory Affairs.¹¹ Once the vendor makes it through the complicated licensing process, there are a labyrinth of confusing regulations mandating everything from the size of a vending cart, its position on the sidewalk, and the amount of water a vendor must have on hand.¹² These complicated and expensive processes are why many vendors chose to do their jobs without a license. There should not be a criminal penalty for being unable to jump through excessive regulatory hoops.

The current civil penalties for DC's complicated licensing scheme are substantial. Civil penalties can start at \$50 for a first time offense of something as simple as having an umbrella that is nine foot and one inch in diameter¹³ to \$2000 for the first time vending after a license has expired.¹⁴ These fines can escalate for multiple offenses.¹⁵ These financial penalties can be a heavy lift to pay, especially when vending is the only source of income that these vendors have. The effects of the civil penalties are

⁵ D.C. Mun. Regs. tit. 24 § 599.1.

⁶ *Id.* at § 502-04.

⁷ *Id.*

⁸ *Id.* at §§ 524.1-524.4

⁹ *Id.* at § 502-04.

¹⁰ *Id.* at § 502 DCMR 502; *Vending Handbook*, Department of Consumer & Regulatory Affairs, 2013 Edition,

<<https://dlcp.dc.gov/sites/default/files/dc/sites/DLCP/publication/attachments/Vending%20Handbook.pdf>>

¹¹ D.C. Mun. Regs. tit. 24 § 502-04.

¹² *Vending Handbook*, Department of Consumer & Regulatory Affairs, 2013 Edition,

<<https://dlcp.dc.gov/sites/default/files/dc/sites/DLCP/publication/attachments/Vending%20Handbook.pdf>>

¹³ D.C. Mun. Regs. tit. 24 § 545.2(a); tit 33 §§ 3313.4(g) & 33-3201.1(e)(1)

¹⁴ D.C. Mun. Regs. tit. 33 §§ 3313.1(j) & 3201.1(a)(1).

¹⁵ *Id.* at 3201.1.

compounded by DC’s “Clean Hands Law,” which prevents the District from issuing a license to anyone who owes more than one hundred dollars to the DC government.¹⁶ As a result, individuals who have incurred penalties may be trapped in a Dickensian cycle of poverty, whereby they are shut off from their livelihood and, finding themselves deprived of an income stream, lose any ability to pay off the penalties they owe.

B. Supporting Street Vending Supports Racial Equity

District leaders should remove unnecessary barriers to vending because street vending is a perfect opportunity to earn a living for people of color who are often closed off from traditional employment. Immigrants without status can struggle to find an income because they are cut off from jobs elsewhere. Even those who have work authorization can face difficulty in finding good paying jobs near where they live. Street vending does not have a citizenship test and can be a chance to earn a living.

For individuals who have completed their criminal sentences, finding work can be just as difficult.¹⁷ According to a report from the United States Commission on Civil Rights, a person with a criminal record is fifty percent less likely to receive a call back for an interview or job offer – a figure that increases to sixty percent if the applicant is Black.¹⁸ The lack of a job when coming home can lead to cycles of poverty and recidivism.¹⁹

For these DC residents trying to start a new life, street vending could be a path to economic stability after incarceration. With no boss or overly broad background check to discriminate against them, vendors can open up shop on the street corner and work for themselves. They can earn money to build a new future and help them heal from their convictions. Street vending is also a way for returning citizens to interact with their community and become recognizable faces on the street, which can mean more support from that same community to keep them from reoffending.²⁰

C. The Council Should Act to Protect Vendors This Year

Because they will advance racial equity in the District of Columbia, the WLC strongly supports the Street Vending Decriminalization Act of 2021 and the removal of criminal penalties for the misdemeanor of vending without a license. The sentence for

¹⁷ *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities*, United States Commission on Civil Rights, June 2019, at 35.

¹⁸ *Id.* at 35-36.

¹⁹ *Id.* at 36.

²⁰ *See Former prisoners who believed they could legally vote land back behind bars in Florida*, PBS News Hour, Oct. 24, 2022 < <https://www.pbs.org/newshour/show/former-prisoners-who-believed-they-could-legally-vote-land-back-behind-bars-in-florida>>.

that conviction can be up to a \$500 fine and/or six months in jail.²¹ The WLC also supports the broad overhaul of DC's criminal code, which includes decriminalizing vending without a license, and we are grateful for the Council's first vote on that legislation. Nevertheless, under that legislation vending without a license would remain a crime until 2025. The bill that the Council is considering today would remove this misdemeanor from the code as soon as the Congressional review period ends. It is straightforward with no need for a new agency, regulatory scheme or funding: it simply removes vending without a license from the criminal code. There is no reason in delaying a vote on this simple yet vital piece of legislation while that larger statutory fix makes its way to passage and goes into effect.

The Street Vending Decriminalization Act of 2021 will have many positive impacts. First, it will reduce the unnecessary physical and economic burden that a criminal charge and conviction can place on vendors. Incarceration, even for a short period of time, can have a heavy toll on a person. The conditions at the Jail are horrendous: mold, sewage over flows, and a lack of medical care are just some examples of the inhumane conditions that incarcerated people face at our jail.²² Time in the jail means a burden on the vendor's family and children and lost income to support them. Even a trip to Superior Court to answer the charge is time away from making money and an economic hardship. Is that the right response for selling a hot dog without filing out the correct paper work?

The consequences of a conviction have long reaching effects beyond just a fine or jail time. Because the District of Columbia does not currently have an effective mechanism for expungement, a conviction can be part of a criminal background check forever. It can raise red flags to potential employers,²³ landlords,²⁴ and lenders.²⁵ For undocumented residents, the criminal violation can have even more serious consequences such as being placed in ICE's custody and even deportation.²⁶ For returning citizens, criminal penalties mean a risk of a return to the carceral system and a disruption on the process of reintegrating into society.

Second, decriminalizing street vending is a matter of racial justice. The criminal system already disproportionately affects Black and Brown people.²⁷ Indeed, NEAR Act Data released by MPD in 2021 showed that even though Black people only make up just

²¹ D.C. Code § 37-131.08(2).

²² Hsu, Spencer & Paul Duggan, "Unacceptable conditions at D.C. jail lead to plan to transfer about 400 inmates, officials say." *The Washington Post*. Nov. 2, 2021.

²³ *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities*, United States Commission on Civil Rights, June 2019, at 35.

²⁴ *Id.* at 60

²⁵ Bushway, Shawn D., Brian G. Vegetabile, Nidhi Kalra, Lee Remi, & Greg Bauman, *Providing Another Chance: Resetting Recidivism Risk in Criminal Background Checks*, 2022 at v.

²⁶ *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities*, United States Commission on Civil Rights, June 2019, at 27-28.

²⁷ *Id.* at 19.

half of the District’s population, seventy percent of stops by MPD officers were of Black people.²⁸ The statistic for street vending without a license are even worse: recent data from the D.C. Sentencing Commission shows that from January 1 2018 until September 30, 2022, 81 percent of those arrested for vending without a license were Black over ninety-five percent were people of color.²⁹ Because street vendors are nearly all people of color, criminalizing their livelihood only exacerbates these racial disparities

Third, decriminalizing vending decreases negative interactions between the community of vendors and the police. Even if no unlicensed vendor is ever prosecuted, fined, or jailed for their violation, vendors will always be in opposition to the police as long as their activity remains criminalized. MPD officers will always have the power to arrest a vendor. That decision is entirely at their discretion, which can lead officers to harass, threaten and abuse their power – as they did with the Lemus family, who was violently harassed by an MPD officer.³⁰ It also means vendors cannot report crimes against them to the police. If a vendor is assaulted or robbed, they have no recourse and cannot ask MPD for help. Especially for undocumented vendors, there is a real risk in reporting police abuse if that could only lead to an arrest and then ICE custody. MPD cannot participate in it’s stated goal of “community policing” when regular fixtures in the community, people who are at the same corner day in and day out are constantly under the threat of police abuse.

Fourth, the current criminal penalties of fine or jail time are duplicative of the civil penalties that are already on the books and are enforced by DC officials. To be sure, these civil penalties are extreme and should be readjusted to better focus on creating an achievable path to compliance than punishing vendors. Yet the severe financial penalty of the existing civil fines, which can go as high as \$16,000 for repeated offenses, are a harsh deterrent and punishment that do not carry the same moral condemnation and collateral consequences of a criminal penalty.

Decriminalizing street vending without a license supports race equity because it allows more economic paths for immigrants and people of color while putting fewer of them into the dangerous criminal system. Vendors are earning their livelihoods and supporting their families. Paying rent and buying groceries should be supported, not punished. If DC values its urban diversity, then it should support street vendors. If it’s commitment to being a sanctuary city is more than lip service, than it should make sure that immigrant street vendors can thrive without threats from MPD.

²⁸ Asutermuhle, Martin. D.C. Police Release Long-Delayed Stop-And-Frisk Data, Showing Racial Disparities in Stops. *WAMU*. Sept 10, 2019. < <https://wamu.org/story/19/09/10/d-c-police-release-long-delayed-stop-and-frisk-data-showing-racial-disparities-in-stops/>>.

²⁹ October 1, 2022 Letter from Emily Blume of District of Columbia Sentencing Commission to Geoff Gilbert, Beloved Community Incubators.

³⁰ *Where the Sidewalk Ends*, Beloved Community Incubator, 1.

The WLC also supports the Sidewalk Vending Zones Amendment Act of 2021 would allow the District to expand areas in the City in which vendors could legally vend and create a “sidewalk manger license,” which could be held by nonprofits and cooperatives that could take on the administrative burden and responsibility of compliance with regulations. This law would make it easier and more accessible for vendors to safely sell their goods. This legislation will open up legal vending because it will allow those with manager licenses to take on the complicated task of dealing with the regulatory requirements and opening up more vending sites.

D. The Council and District Officials Need to Do More in 2023

Although the two bills the Council is currently considering are important first steps to support vendors, the WLC strongly urges the Council and District leaders to take more steps in 2023 to make vending more accessible. The Sidewalk Vending Zones Amendment Act of 2021 expands street vending sites, but it does not go far enough. The confusing regulatory and fine structure remains in place and should be fixed.

The District should ensure that vendors are able to access the support and resources that other entrepreneurs in the District receive. A more just regulatory scheme and support for vendors will not only benefit the vendors but consumers as well. There are important health and safety regulations that the District should have in place to ensure that the food vendors sell is safe to eat. By bringing down barriers to accessing a license and also working with vendors to focus on the safety of their wares will have the dual impact of bringing more vendors into compliance while keeping customers healthy.

We support the solutions that have been put forth by collectives of directly impacted vendors to make vending more accessible with the same access to support and resources that other entrepreneurs in the District receive.³¹ For example, The District should invest in outreach and financing strategies for street vendors. It should invest in navigators to help vendors sell their goods in line with common sense health and safety and tax regulations. There should be new laws and regulations that increase where in the City vendors can vend and focus on getting vendors in compliance instead of fining them. The District should pay more than lip service to the DC Language Access Act so that immigrant vendors can more easily interact with the relevant agencies. The District should rethink how it evaluates past criminal convictions in how it allocates licenses to broaden opportunities to returning citizens. Above all the focus should be on supporting these community members not punishing them. In the next legislative session, we are hopeful that the Council will be open to more legislation that will support vending.

For over half of a century, the Washington Lawyers Committee has advocated to make the DC region a more equitable place to live, work, and raise a family by fighting

³¹ *Where the Sidewalk Ends Part II*, Beloved Community Incubator, 6-8.

to dismantle the legacies of slavery and systemic racism. Since its founding, the WLC has worked to reduce interactions between the criminal system and people of color and to increase access to jobs that can provide economic security for members of marginalized groups. We are mindful that what is generally referred to as “the March on Washington” that occurred a few blocks from here and changed the course of the civil rights movement was fully titled the “March on Washington for Jobs and Freedom,” and believe that justice and economic opportunity go hand in hand.

Street vendors seek the same jobs and freedom as all District residents do and the WLC is proud to stand with them in their fight for justice. The WLC urges the Council to lift up these workers of color who are making the District the thriving place that it is and pass the Sidewalk Vending Zones Amendment Act of 2021 and the Street Vending Decriminalization Act of 2021.



24-49 and 24-50-SUPPORT

John Payne
Sanctuary DMV

john.howard.payne@gmail.com 202-907-5794

24-49 and 24-50-SUPPORT

**Street Vending Decriminalization Amendment Act of 2021
Sidewalk Vending Zones Amendment Act of 2021**

Committee of the Whole

October 16, 2022

Dear Chairman Mendelson and other members of the DC Council,

My name is John Payne; I am a core organizer with Sanctuary DMV and I'm here today to express our support for the Street Vending Decriminalization Amendment and the Sidewalk Vending Zones Amendment Acts of 2021. Sanctuary DMV workouts throughout the Washington, Virginia, and Maryland area to help immigrants and immigrant communities build power, stand with individuals and families during immigration proceedings, and advocate for legislation that ensures immigrants are treated with the fairness and dignity they deserve. We are supporting these bills today so that our immigrant neighbors can continue to work without fear of harassment and violence while using their gifts to make Washington DC a better and more vibrant city.

Sanctuary DMV has worked with numerous vendors over the years and we know they are a vital and life-giving part of our community. Unfortunately, they and their families have been targeted by police over and over again. Vendors have been harassed, threatened, and subject to acts of violence merely for selling food on a street corner. Individuals have been arrested, their equipment damaged, and sustained long term injuries all at the hands of the police. We need to end this disgusting abuse now. This violence threatens both the lives and their livelihoods of the vendors and creates a heavy physical and financial toll. If this behavior wasn't bad enough, the police do not only threaten vendors, but also other members of their



24-49 and 24-50-SUPPORT

John Payne
Sanctuary DMV

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families. Many vendors work alongside their families and police have harmed and traumatized children who were scared and did not understand what their family did wrong. This cruelty creates long lasting scars, making children afraid to come to go outside for fear of police violence or that their loved ones will not come home at the end of the day. Sanctuary DMV has worked with several of these families after these incidents, to provide financial and legal support as they've recovered from arrest and attacks and the harm done to these families and communities is heart wrenching and truly immeasurable.

Beyond these incidents, we also know the dangers of police interactions can have even worse consequences for our immigrant neighbors. In addition to violence and harassment, being targeted by police carries the real threat of deportation. Even though we have passed laws cutting local police ties to ICE, we know of DC residents who have been detained by police and ended up in ICE custody even after those laws was passed. This possibility of deportation is a justified fear and vendors know that going to work in the morning could lead to being separated from their families by the afternoon. Deportations are destructive to every member of the family and their community and this council has worked with immigrants in the past to prevent any of our neighbors from ending up in ICE custody. We need to continue that work here today. By decriminalizing street vending, we can move beyond the outdated and racist carceral system and instead move towards a city where all residents are free from fear and want.

But more than taking away these immediate threats to our neighbors, decriminalizing street vending and encouraging street vending will enrich the lives of all DC's residents. The



24-49 and 24-50-SUPPORT

John Payne
Sanctuary DMV

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street vendors in Washington are amazing cooks who add the vibrancy of their own cultures to our city every day. They love making delicious food for their neighbors and anyone who passes by their stalls. The vendors help add foot traffic, provide free food to our unhoused neighbors, and help deescalate disputes that occur on the street. By decriminalizing street vending and creating vending zones throughout the city where they can put down roots, we will help some of the most marginalized people in our city build put down firm economic foundations that will support everyone in our city.

Many of the vendors do not have the ability to share these gifts through the current economic models. The costs to get a small business or even a food truck up and running is enormous, and even the current licensing fees for street vending make licenses difficult to purchase and maintain. Passing these two bills will remove these barriers and allow the benefits that the we already see the vendors creating spread to the entire city. They will be able to put more time and effort into expanding their businesses, creating delicious, well-prepared food, and being good stewards of our communities. Creating vending zones throughout the city will having a lasting impact on each ward and build real long last bonds between individuals. We've seen over the past few years how people have gravitated to farmer's markets and streateries. The creation of vending zones will have the same effect and greatly improve the lives of the directly impacted people testifying before you today.

In closing, passing these two pieces of legislation is good for the vendors and good for Washington. Some but not all of the changes mentioned today are included in this year's historic criminal code reform. But those reforms will happen over the next five years and



24-49 and 24-50-SUPPORT

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Sanctuary DMV

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vendors cannot afford to wait that long. They have been waiting long enough. These reforms need to be implemented immediately. The vendors have been consistent and clear about their needs and the changes that have to happen so they can grow their business and improve our city. We must to listen to the them and pass these bills NOW.

Sanctuary DMV urges the council to pass both the Street Vending Decriminalization Amendment Act of 2021 and the Sidewalk Vending Zones Amendment Act of 2021.



November 16, 2022

Geoff Gilbert
Beloved Community Incubator
Legal and Technical Assistance Director

Testimony before the Committee of the Whole re: B24-49 & 424-50

Good afternoon City Councilmembers. My name is Geoff Gilbert and I am the Legal and Technical Assistance Director at Beloved Community Incubator.

As you've heard today, the District's street vending laws and regulations have failed street vendors.

Street vending has always been an economic lifeline for poor and working class residents of DC ever since the early 1800s when two Black women street vendors, Alethia Browning Tanner and Sophia Browning Bell, sold produce in downtown DC near today's Lafayette Square in order to purchase their own freedom and the freedom of more than twenty five enslaved family members and friends.¹ In the 1980s, over 10,000 street vendors sold in DC, about seventy percent of whom were Black.² Today, it's estimated that only a couple hundred vendors remain. Street vendors are the only business owners in the District who are regulated by the Department of Licensing and Consumer Protection (DLCP) and the more than ten police agencies active in DC, including the MPD. Of the more than 450 arrests of street vendors from the start of 2018 until today, more than 95% of the vendors arrested were Black, Latine, Indigenous or people of color.³

DC's street vending laws and regulations actively promote gentrification and the displacement of Black, Latine and Indigenous residents. **These laws and regulations have a racist, violent, carceral and anti-food safety impact.** They keep street vendors trapped in a cycle of criminalization and poverty.

This month, Beloved Community Incubator published our report, *Where the Sidewalk Ends Part II*, with policy recommendations for how the city can decriminalize street vending and invest in street vendors. I want to share with you now an overview of the recommendations we make in

¹ Chris Myers Asch and George Derek Musgrove, *Chocolate City* 42-43 (2003).

² Shelter Housing and Respectful Change and American University public history program, "Whose Downtown?", https://whosedowntown.wordpress.com/downtown-renaissance-development-and-homelessness/#_ftn13.

³ Data obtained on October 31, 2022 from the DC Sentencing Commission (DCSC).



the report, all of which are grounded in a *fix-not-fine* approach whereby city regulators provide people with training and resources to fix regulatory issues rather than simply punishing and fining people who are not in compliance. The recommendations incorporate learnings from policy change that street vendors have won in California, New York City and Chicago and in cities around the world, including Accra, Ghana; Durban, South Africa; Ahmedabad, India; Lima, Peru; and Bogotá, Colombia.

Our recommendations are as follows.

Simplify the vending license application process. The DLCP should make it possible for vendors to resolve all license-related matters within the scope of one visit to the DLCP offices. DLCP also must drastically improve all of its accessibility practices - the DCRA, predecessor to DLCP, failed its latest Language Access Audit conducted by the DC Office of Human Rights.⁴

Reduce street vending fees and fines. Currently, vendors must pay over \$2,000 upfront in fees to obtain a license and are subject to significant fines for first-time offenses (up to \$2,000) and repeat offenses (up to \$16,000).

Expand vending site permits. The DLCP and the District Department of Transportation (DDOT) have significantly restricted the area where vendors can sell since the 1980s. DLCP and DDOT should increase transparency and the number of available vending site permits.

Eliminate food code barriers for all small food businesses. DC Department of Health (DOH) requirements are amongst the most restrictive in the country. Street vendors and cottage food businesses, which cook out of home kitchens, should be allowed to sell any type of food, so long as they undergo food safety training, pass inspections and follow food safety best practices.

Build public food safety and storage infrastructure, including public options for all of the infrastructure that vendors must access in order to comply with regulations, such as storage space, public auxiliary sinks and commercial kitchens.

Expand small business grant programs to include grants for essential equipment, including vending tables, vending carts for merchandise, food vending carts and food trucks.

⁴ DC Office of Human Rights, "Language Access Annual Compliance Review for Fiscal Year 2020," https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/v4%20OHR_LanguageAccess_Report_Dec2021%20%28002%29.pdf



Support vendor-led conflict management infrastructure. Historically, DC policymakers have justified punitive street vending regulations by demonizing vendors as remaining hopelessly in conflict with one another. The DC government should acknowledge the pre-existing skill of many street vendors as de-escalators and street level peacekeepers and provide support to vendors to build vendor-led infrastructure for managing conflict.

Create vending zones and markets throughout the city, like the Columbia Heights Vending Zone included in the Sidewalk Vending Zones Amendment Act of 2021. The city should also invest in building vibrant outdoor vending markets throughout the city, similar to the \$4 million the city has invested in restaurants to create streateries during the pandemic.

Create free food safety courses and expand free courses for small business owners that are accessible in all commonly spoken languages in DC and to people of all reading, writing and technology literacy levels.

Yesterday the Council voted unanimously to pass the Revised Criminal Code Act of 2021 (RCCA), which included the exact text of the Street Vending Decriminalization Act of 2021 (B24-49). The only problem is that the RCCA's decriminalization of street vending without a license will not go into effect until October 2025. As you've heard here today, Vendedores Unidos/ Vendors United united is very clear - **ni un año más, or not another year.**

I ask that you pass **THIS YEAR** both B24-49 and B24-50, the Sidewalk Vending Zones Amendment Act of 2021. I ask that you support street vendors and, by extension, invest in the leadership of poor and working class Black, Latine, Indigenous and residents of color in the District.

Before the Committee of the Whole

**Public Hearing on Bills: 24-49: Street Vending Decriminalization Amendment Act of 2021
and 24-50: Sidewalk Vending Zones Amendment Act of 2021**

November 16, 2022

Testimony of Ariel Levinson-Waldman, Founding President and Director-Counsel, Tzedek DC¹

Chairman Mendelson, Members of the Council, and Council staff:

Thank you for the opportunity to share testimony in support of two bills that will protect street vendors' access to employment and support the District's workers and local economy. Tzedek DC supports its partners' efforts to protect access to employment by decriminalizing street vending and expanding opportunities for vending.

If passed and funded by the Council, B24-0049, the Street Vending Decriminalization Amendment Act of 2021, would decriminalize unlicensed street vending. We know from vendors' experience that interactions with police can be dangerous, embarrassing, and disruptive to business.² Vendors should not face criminal penalties for going to work and trying to support themselves and their families.

The second bill being considered, B24-0050 (Sidewalk Vending Zones Amendment Act of 2021), is an important step to expanding opportunities for vendors and creating more vibrant communities for all DC residents.

Vendors face numerous financial and other barriers to employment that make it difficult to access economic opportunity. Our testimony focuses on the Clean Hands requirement and, more generally, cost and administrative barriers that make it difficult for street vendors to apply for and obtain licenses.

The current regulatory system includes significant barriers for vendors to obtain licenses, many of which appear unrelated to food safety, supporting workers, or benefiting consumers. The Council should be making it easier, not harder, for vendors to do their jobs and sell goods to their communities. Decriminalizing unlicensed vending is an important step because the fees and high barriers to entry create a difficult situation for vendors. Someone who falls behind on fees or misses a payment or makes a mistake with one of the many administrative hoops to jump through shouldn't risk arrest or be put in jail. The high costs of being a vendor make it difficult to comply with the regulations, and MPD should not be empowered to harass and arrest workers who fall short of the cumbersome requirements. A main reason people engage in unlicensed vending is because they can't afford all the license requirements — punishing people for going to work because they can't afford thousands of dollars is criminalization of poverty.

One of the many cost and administrative barriers for street vendors is the Clean Hands requirement. Reform to the application of the Clean Hands Law will help vendors as they seek to

¹ Drawing from the Jewish teachings of "Tzedek, tzedek tirdof," or "Justice, justice you shall pursue," Tzedek DC's mission is to safeguard the legal rights and financial health of DC residents with low incomes dealing with the often devastating consequences of abusive debt collection practices and other consumer related issues.

² See vendor stories in Vendors United's report *Where the Sidewalk Ends: Vendors United and their Efforts to Decriminalize Street Vending in Washington, DC*, available at <https://vendorsuniteddc.coop/docs/Where%20the%20Sidewalk%20Ends%20Full%20Report.pdf>

access economic security. Vendors applying for licenses must submit a Certificate of Clean Hands to the DC Office of Tax and Revenue, which means signing an affidavit stating that they do not owe more than \$100 to the Government of the District of Columbia. If an applying vendor has outstanding fines for vending without a license in excess of \$100, they must pay the fines before they can apply for a license. Fines often quickly add up for vendors, prohibiting them from applying for licenses, which counterintuitively keeps vendors locked out of the licensing system and vulnerable to additional infractions and fines. If someone owes a license fee or has to pay a fine to the government but is forbidden from making a living, they have no way to pay a fee and end up trapped in a cycle of poverty that especially impacts residents of color.

Thanks to your and colleagues' leadership, the Council earlier this year took the important step of reforming the Clean Hands Law with regard to driver's licenses.³ As the Council considers these measures to support vendors' access to economic security, the Council going forward should also remove the Clean Hands barrier to occupational licenses. An inability to pay fines and fees to the District shouldn't bar a DC resident from earning a living.

At an April 2022 Economic Development Committee hearing convened by Councilmember McDuffie, a coalition of 30+ racial justice, anti-poverty, faith-based, legal services, and civic groups testified in support of Clean Hands reform as it applies to professional and small business licenses — this issue has broad, community support. Furthermore, the reform appeared in a bill introduced this Council period. The only issue Councilmembers identified as a concern with regards to professional licenses was the fiscal impact — it's time for DC to find the money to invest in and support workers, help our communities, and end the de facto ban on new street vending licenses that exists for many due in part to costs in excess of \$2,000 to obtain a street vending license and site permit. The Clean Hands Law is only one of the many cost and administrative barriers for vendors applying for licenses. Expanding vending opportunities and decriminalizing violations of licensing rules will help increase vendors' access to economic opportunities.

At least five DC agencies possess regulatory authority over street vendors, and street vendors have long faced challenges engaging with the Department of Licensing and Consumer Protection (DLCP), the primary regulator for street vendors that reviews all applications for Vending Business Licenses. The Vending Regulation Act of 2009 made the DCRA the coordinating agency for vending regulation — authority transitioned to the Department of Licensing and Consumer Protection (DLCP) when the DCRA was disbanded on October 1, 2022. Vendors are often referred by one agency to the other and are unable to easily determine which regulatory agency to engage for different issues.

In addition to the Clean Hands certification requirement, vendors face the following hurdles:

1. To obtain a license and site permit, street vendors must engage with confusing bureaucracy — and pay a minimum of around \$2,000 of up-front fees. The DLCP doesn't offer payment plans to vendors for permits, fees and associated costs, so the money must be paid up front before a vendor can obtain a license and be free from the threat of criminal and civil citations for vending without a license. Both criminal and civil citations can carry serious collateral consequences for many vendors.

³ See B24-0237—Clean Hands Certification Equity Amendment Act of 2021
<https://lims.dccouncil.gov/Legislation/B24-0237>

2. Street vendors must first obtain a basic business license (the whole process costs more than \$500). A vendor must incorporate a legal entity with the DLCP, register with Internal Revenue Service and the DC Office of Tax and Revenue, apply for a permit from the DC Office of Zoning and then apply for a basic business license from the DLCP. Vendors, who have largely been excluded from the formal economy, need to adopt Bylaws or Operating Agreements and keep records for their legal entity's tax returns.
3. Then, vendors must obtain a vending license from the DLCP — a Class A License for food vendors and food trucks (a fee of \$476.30 for two years) or a Class B License for merchandise vendors (a fee of \$408.10 for two years). Next, vendors must complete a private course, which often does not offer wide language accessibility or accessibility for all levels of reading and writing literacy, to obtain a Food Protection Manager Certificate (\$35 fee for three years), and obtain from the Department of Health a Health Inspection Certificate (\$100 every six months) and a propane permit, if the vendor uses propane, from the Fire and Emergency Medical Services Department. Last, vendors must apply for and receive approval from the DLCP for a vending permit for a specific site — site permits cost a minimum of \$600 per year.
4. The cost of obtaining a street vending license is more than \$2,000 per year and more than \$7,000 per year if a vendor wants to sell downtown.
5. People with criminal records and people who have been incarcerated face additional difficulty in the license application process. The DLCP requires that Police Criminal History Reports must be included with Vending Business License Applications and must be dated within 30 days of the vendor's submission of the application. The DC government should remove this criminal background check requirement from the license application process, as street vending is often one of the few paths to earn income available for formerly incarcerated people, especially people who have recently been incarcerated.
6. Up-front costs do not include a minimum of \$1,500 in sales tax each year for a licensed vendor, paid in quarterly installments. Nor do the up-front costs include the costs of obtaining vending carts, which can cost a couple thousand dollars for merchandise vendors and more than ten thousand dollars for food vendors, whose carts are subject to strict regulation and must be inspected by the Department of Health before a vendor can obtain a license. The up-front costs also don't include the cost of storing food vending carts in a DLCP-approved depot, which costs vendors at least \$100 per month.

These expensive and extensive requirements make street vending a difficult type of employment, when it should be an accessible path to economic security for immigrants, formerly incarcerated people, and residents with low and moderate incomes.

The Clean Hands requirement affects vendors, nurses, dental assistants, barbers, electricians, and thousands of other DC workers. Inability to get a Clean Hands certificate bars someone from over 100 jobs in DC. Similar to how the ban on renewing driver's licenses disproportionately impacts low-income DC residents and makes it difficult to access employment, the enforcement of Clean Hands for obtaining occupational licenses prevents people from obtaining good, blue-collar jobs in the District. And in the case of occupational licenses, there's no traffic safety concern, something that was raised in the driver's license debates. Allowing people to work has *positive* public benefits, and the Council should make it easier, not harder, for people to make a living.

Commented [RG1]: This is skippable for oral testimony, which will be limited to 3 mins

In the new Council period, the Council should adopt the unenacted provisions of the proposal from last year that would end the use of Clean Hands Law for professional/occupational licenses. At a minimum, an ability to pay model should be introduced to the system. Whichever approach the Council takes — an across-the-board fix or a specific system with an ability to pay inquiry — DC should end the automatic Clean Hands ban on license renewal without inquiry as to ability to pay. As described above, vendors face many expensive licensing requirements. Not having the money for a license should not subject a vendor to criminal charges, nor should a vendor need to show they do not owe the District money in order to make a living. Vendors are an important example of why the Council should make this change, and this will be one of several important steps to benefit street vendors and allow dignity at work and access to employment.



Greetings Chairman Mendelson,

Organizers at Beloved Community Incubator, informed by years of experience organizing with street vendors, wanted to respond to several questions you posed to witnesses during the hearing on Wednesday, November 16th on bills 24-49 and 24-50. We hope these answers shed light on the lived experiences of street vendors interacting with the current regulatory framework, and satisfy concerns with the bills as they stand.

“How do you respond to what the BID said: ‘asking a nonprofit to assume the role of a sidewalk vending manager is asking them to assume the enforcement role of DC government, and is fraught with liability and jurisdictional issues?’” - to Allie Bobak

Vending zone managers operate like other managers of markets, such as Freshfarm, a nonprofit organization that manages many of the city’s farmer’s markets. Lines 73-74 of the proposed B24-50 indicate that the vending zone manager would “[assume] liability for any penalty assessed for any vending violation incurred by a registered sidewalk vendor.” **The presence of a vending zone manager does not preclude DC government from enforcing its laws on vendors within the vending zone.** The manager would, however, be responsible for helping vendors stay in compliance with regulations, and would be in regular communication with the city government to reform vending laws to reduce their burden on vendors. Either through amendments to this bill or through a separate bill entirely, we hope to include city investments that follow a “fix, not fine” approach in street vending; for example, by offering loans or grants to help vendors buy compliant equipment rather than applying fines if their equipment doesn’t meet the standards. These would ease the enforcement responsibilities of DC government even more, and would be informed by the lived experiences of vendors channeled through the vending zone manager.

How do farmer’s markets use the zone manager concept? - to Shirley Kwan-Hui

Ms. Kwan-Hui was adamant that significantly more clarification is needed in B24-50 around vending zone managers. However, this would make sidewalk vending zone managers an anomaly amongst similar regulated entities. **Most regulations pertaining to farmer’s markets managers are conducted through rule-making and are thus written in the Municipal Regulations, not the DC Code.** A vending zone manager license under B24-50 would function similarly to Class C Vending Business Licenses that the managers of farmer’s markets in the city are required to obtain. There is no immediate need for Council to spell out every rule vending zone managers abide by, nor is there anything in B24-50 that would prevent the executive

from setting more rules about its relationship with vending zone managers. The Mayor can create the agreement with the zone manager and can compel them to tell the executive exactly what each vendor under their license will be selling; allow health and safety inspections of all vendors; and create mechanisms for vendors to hold the manager accountable.

In reference to a fix-not-fine approach to street vending regulation: do we enforce vending regulations without fining, or do we [have to] fine? - to Allie Bobak

While fines may be a deterrent against vending per se, fines are not effective in promoting compliance. As Ms. Kwan-Hui noted in her remarks, street vendors have been assessed currently unpaid fines in the amount of \$300,000. Anecdotally, virtually all of the more than 100 street vendors part of Vendors United want to comply with vending regulations, as most vendors face significant risk of collateral consequences from police interactions. There is no evidence that fines promote compliance with vending laws.

Vendors face a dizzying array of complicated regulations, and obtaining a license requires not only compliance with these complex laws, but out-of-pocket fees that can total \$2,000 or more. If a vendor is fined and can't pay off the fee, as is often the case, they just stop vending; indeed, several vendors testified that they stopped vending when assessed a penalty at the hearing on Wednesday, November 16th. **True compliance promotion would come from breaking down the linguistic hurdles, cost burdens, and irrelevant complexity that plagues the current street vending regulatory regime, not by fining people for being out of compliance with a flawed system.** This is the basic concept behind a "fix-not-fine" approach to street vending regulation: if DC were to actively assist vendors to abide by the laws, and reforms were implemented to make the licensure process significantly easier, then fines would no longer be the first enforcement act on regulators' minds.

Nothing in B24-50 would change the fine structure. In an ideal world, fines would not exist, but we can strive toward a paradigm in which we don't use the same blunt instrument every time to regulate an industry almost entirely Black and brown workers. B24-50 starts us down this path by providing amnesty for people who owe fines; lowering the barriers to acquire a license with the city; and lowering the total number of separate permits and licenses a street vendor in a vending zone would have to acquire on their own. However, 24-50 is a first step; we would love to be in collaboration with your office to fully overhaul the bloated street vending regulatory regime.

What does enforcement of street vending laws look like? - to Shirley Kwan-Hui

While DLCP may follow the measured procedure Ms. Kwan-Hui laid out in her answers, the reality is that inspectors also apply fines for easy-to-fix infractions, and **MPD officers perform proactive enforcement of street vending laws, with a police officer often being the first point of contact with the regulatory system.** In one instance, an inspector passed by a licensed vendor's hot dog cart early in the

All my best,
Yannik Omictin

morning and recorded a low water temperature; he immediately issued this vendor a \$1000 fine, rather than simply asking the vendor to increase the water's temperature. In many other instances, police officers on foot patrols demand that unlicensed vendors leave certain areas, and even follow them home to intimidate them into not returning. While a vendor is arrested for unlicensed vending on average once every four days (according to data we received from the Sentencing Commission, we have no way of knowing the number of times police issue verbal warnings or make contact with vendors to enforce street vending laws. Please consult the written versions of testimonies shared by street vendors during the hearing, as well as their spoken testimonies, for some common stories that exemplify this problematic paradigm.

In addition, DLCP does not conduct language competent outreach with vendors nor does DLCP offer any meaningful guidance or support for vendors to navigate the process for obtaining licenses. DCRA failed its 2020 language access audit conducted by the DC Office of Human Rights. Since DLCP began to operate as an agency at the start of October 2022, we have witnessed multiple instances in which DLCP enforcement officials have performed outreach to vendors on 14th St. NW in Columbia Heights and distributed written instructions in English for how to apply for a vending license. This type of outreach simply is not productive nor does it offer any type of meaningful support to vendors, as many vendors do not speak English, do not read in any language and are not able to navigate without support the many bureaucratic steps of applying for a vending license, such as incorporating a legal entity, registering with DC Office of Tax and Revenue and the Internal Revenue Service, registering with the DC Office of Zoning, and then, finally, applying for a Basic Business License and Vending Business License.

DLCP staff shared with us in a meeting that they do not conduct language competent outreach with vendors because the DC Language Access Act of 2004 is unfunded and DLCP does not have access to the resources they need in order to engage with vendors in their native languages. We would be excited to work with your office to explore how DLCP can access resources in order to be in compliance with DC's Language Access Act.

Why shouldn't we repeal criminalization sooner? - to Shirley Kwan-Hui

The concern that Ms. Kwan-Hui raised most frequently is that decriminalization prevents the agency from compelling accused vendors to identify themselves to issue citations. We want to see evidence that this is a significant handicap in the ability of DLCP to enforce the laws. As we've mentioned, police often enforce vending laws proactively, and the extent to which they are coordinating with DLCP investigators on these enforcement actions is unclear, given that vendors themselves report never interacting with an employee of DLCP.

What we do know is that the criminalization of vending increases the likelihood of violence against vendors, both licensed and unlicensed. In addition, as the data from the DC Sentencing Commission shows, a choice by the DC Council to not pass B24-49 to immediately decriminalize vending without a license will

All my best,
Yannik Omictin

have a racist impact by almost exclusively impacting vendors of color (more than 95% of vendors arrested for vending-related infractions since the start of 2018 are people of color). There are countless stories of vendors being followed, harassed, and assaulted in interactions that began with enforcement of unlicensed vending. One cop shoved a younger vendor, spraining a ligament in her knee, while threatening to report her mother to the Department of Child and Family Services. Another followed one vendor home five separate times, with the intent to scare her away from selling taquitos near Truesdale Elementary. These harrowing stories and others are recorded in the testimonies shared during the hearing on Wednesday, November 16th, and underscore the need for an expedited timeline for decriminalization.

There are several approaches that could reduce the likelihood of vendors not identifying themselves to city government. If inspectors were to approach unlicensed vendors with a clear, simple, and cheap path to licensure, many vendors would happily identify themselves and start down this path. Councilmember Nadeau outlined during the hearing that this is the first step when encountering an unlicensed vendor, and that **DLCP, under the current street vending laws, possesses the ability to employ a clear escalatory path that does not involve criminalization** (namely, education, notice of infraction, and confiscation of materials). As we've noted, the vast majority of vendors truly want to be in compliance, but cannot due to cost barriers or the complexity of regulations.

The approach taken by B24-50, where pilot sidewalk vending zones would be controlled by licensed vending zone managers, offers another path for DLCP to identify vendors without police. Licensed vending zone managers would record the information of all vendors who obtain a license to vend in the pilot sidewalk vending zone and licensed vending zone managers would be jointly liable with individual vendors for any regulatory infractions and responsible for ensuring that unlicensed vendors do not sell within the pilot sidewalk vending zone.

Why are the vending fees so high? - to Shirley Kwan-Hui

Ms. Kwan-Hui couldn't give firm reasons as to why the vending fees must be high - if they cover some essential functions that DLCP would not have enough money to carry out without the fees, then Ms. Kwan-Hui didn't mention this. We share your analysis, Chairman Mendelson, that fees and other barriers must have been set high enough to discourage vendors from being in various parts of the city, especially in downtown. Because of this, we want to work closely with your office to dramatically reduce, if not eliminate, the high fees necessary for vendors to move out of the informal economy.

Thank you for your attention to the plight of street vendors in DC. We are always available to meet with your office. **We are hoping for an expedited mark-up and vote on these bills, which have been in circulation for a few years now.** This is especially important for B24-49, to speed up the unnecessary decriminalization of vending. Thank you for your time!

All my best,
Yannik Omictin

Rasul El-Amin
DC Street Vendor & Small Food Business Owner; Member of Vendors United
Testimony before the Committee of the Whole Hearing on Street Vending
November 16, 2022

My name is Rasul El-Amin. I am a Black, Indigenous street vendor born and raised in DC. I live now in Ward 5 in a shelter at a hotel.

I started vending for the independence and because I've had a lot of bad workplace experiences. I've been building my fashion brand, Sunverse Indigenous. I design and sell clothes to show my creativity and to earn money.

Right now, vending without a license is a crime, even though licenses cost more than we can afford and we are just trying to earn an honest living for ourselves and our families.

I want to share with you about how I face extra risk as a street vendor because I used to be incarcerated and because of my housing situation.

Street vending is almost like a miracle for people who used to be incarcerated. The opportunity to earn money legally and to be creative in what we're doing - it's a beautiful thing to have that avenue open for people who are just coming home. I've seen it turn people's lives around.

I'm currently living in a shelter waiting to receive a housing voucher. Previously, I lived at McKenna House, the Catholic Charities' subsidized housing in Columbia Heights, but the building burned down last year while I was inside with many other residents. I feel like I am doing all of the right things, submitting to a 7pm-9am curfew in the shelter and waiting to receive a voucher.

If I were to be cited for vending without a license, my status at the shelter and housing voucher could be at risk. It's not right. I'm making an honest living and I'm not taking from nobody.

We don't want you to pass these laws, we need it. Let DC be the model for the whole US. Put your name in the history books with us.

Rudy Riley
DC Street Vendor & Small Food Business Owner; Member of Vendors United
Testimony before the Committee of the Whole Hearing on Street Vending
November 16, 2022

Good afternoon City Council members of Washington, DC. My name is Rudy Riley. I sold flowers as a street vendor on 14th street in Columbia Heights for two years. I often sit with my friends who are street vendors near the corner of 14th St and Irving St and watch their tables when they need a bathroom break.

I was born at DC General Hospital and raised in DC - my parents were born and raised in DC and my grandparents migrated to DC from North and South Carolina. I was raised in Ward 4 near 13th St & Iowa Ave NW - I went to MacFarland Middle School and Roosevelt High School. I have great memories of hanging out as a kid at Upshur Pool on Arkansas Ave NW - that's where I met my daughter's mother and it's where I had one of my first jobs as a cleaner.

I have deep roots in the community and do a lot of neighborhood work - I have eaten right and exercised and I am proud to be able to remain so active at 65 years old. I love to help people - I do different jobs helping my former neighbors in Mt. Pleasant. I clean an elderly woman's bathroom, I help neighbors shop for groceries that they can't carry, and I have been helping to set up, break down and clean the Mt. Pleasant Farmers Market for more than 15 years. Some of my happiest memories are of helping to distribute toys to kids for Christmas at the Farmers Market for many years.

I became a street vendor after negative experiences at different jobs. For many years I cleaned pots and pans in the kitchen at the National Gallery of Art. Before that I was a maintenance worker at Hex, a clothing store on 7th St - luxury condominiums have since been built there. I also worked at a health facility on P St that supported handicapped people.

My housing was unstable for many years. I would move around from place to place, sleeping at friends' apartments and at my daughter's apartments. I would sometimes stay at the shelter on Irving St NW. I finally got a voucher three years ago in 2019 so I could live in my own place. Now I live on Van Ness St NW in Ward 3 and I ride my bike over to Columbia Heights and Mt. Pleasant most days of the week.

I want to ask that the DC government stop bothering vendors. Street vendors shouldn't be stopped from getting licenses - we are just selling in order to live. You should support street vendors.

Street Vendors hearing:

TamikaSpellman, Policy and Community Engagement Manager for HIPS

Good morning, I am here to represent the clients of HIPS interest in the Sidewalk Vending Zone Amendment Act. This is a step forward, but not into the future the vendors need, want or desire. While the removal of criminalized penalties is great, the licensing and hierarchy set up is not conducive to marginalized community members desires.

Taking us from a point of criminalization to one of access and accommodations is the correct tract, it is just the ways and means of that implementation that are problematic, especially for the vast majority of folks who are vendors and likely to become vendors. We should be looking at this as actualizing this informal economy into a stabilized and un-policed community of hard working people instead of where and how the city can expand revenue generations off their backs after the owners and managers. These are active members of the economy and should enjoy similar protections and rights of other business entities without it becoming burdensome and cumbersome to the individuals who want to operate independently. The barriers we already see are enough to be significant issues for the foreseeable future, which will result in revisiting those issues down the line. It just makes me wonder if this was crafted with individual stakeholders and not just the wealthy vending owners. People with lived experiences deserved to be an active part of crafting those policy changes where they are concerned, and from all that has been put into this, it doesn't appear that they had a seat at that table, and if they did-their concerns weren't given equal consideration.

Vendors have spoken about their needs and they want more access for individual operators and less for managers and owners profiting off of them. They want insurance to be accessible and affordable, which if it isn't-can bar many from being independent operators. Hopefully the city will be providing options that are accessible and affordable because if not-many will not be able to be independent operators. And most of all they do not want, need nor desire zoning that is more restricted, giving control to managers instead of greater access for individual contractors working independently who can be squeezed out in preference to their own licensed subcontractors. We most certainly don't want wealthier managers and owners to have more control or say than independent operators when it should be equal.

Coming out of the darker days of the pandemic, we need to be more thoughtful of those who are part of informal economies due to the lack of tangible support those individuals and families received in federal economic aid, which did not equal what those in the informal economy received. Yes the city provided some funding because of the Excluded Workers Coalition pushing for support for the informal economy workers for the last 3 budget seasons, but it was a pittance in comparison to what we all received being active in the formal economy. I myself received about \$6000 in stimulus payments, others received \$10k or more, whereas most families in the informal economy received less than ¼ , or about \$2000 - \$3000 over the whole pandemic. And this is upon the other programs and funds made available during the pandemic they could access and we also could too. Certainly not equal or fair treatment, so to follow up with this proposed policy change comes off as a bit thoughtless on their behalf, especially when you consider that the vending owners did not miss one of those stimulus payments and likely received PPP loans they aren't liable to pay back.

As a result of the concerns we see, we are coming to you to request greater consideration for their concerns in regards to individual operators, reimaging vending zones, managers and the creation of affordable/flexible insurance requirements that puts individual operators on equal footing with owners/managers.

Committee of the Whole
November 15, 2022
Alana Eichner
Ward 1 Resident
Co-Director of the DC Chapter of the National Domestic Workers Alliance

Hello Chairman Mendelson and members of the Committee, my name is Alana Eichner. I've been a Ward 1 resident for almost a decade and I am the Co-Director of the DC Chapter of the National Domestic Workers Alliance.

I am here to testify in strong support of both the Street Vending Decriminalization Amendment Act of 2021 and The Sidewalk Vending Zones Amendment Act of 2021.

I want to speak first in my role directing the DC Chapter of the National Domestic Workers and then from my more personal perspective as a resident of Mount Pleasant.

The DC Chapter of the National Domestic Workers Alliance is a local organization comprised of women who clean homes, care for seniors and care for children in the homes of their employers. Domestic work shares many similarities with street vending – it is work done predominantly by immigrants of color, much of it exists outside the formal economy, and for these reasons both industries have never been valued in the way that they should. Street vendors are small business owners, it is only racism and sexism that shapes our notions of what work is valuable and what small businesses are 'real' small businesses that deserve public and community support.

Of course the truth is, that just like domestic work, street vending is of tremendous value to our community and our economy. It's a way for recent immigrants and others with barriers to formal employment to have work that they enjoy, find meaningful, and with which they can support their families.

This bill is an issue of labor justice. All labor is dignified and every job should be a good job. Facing harassment and violence is the opposite of dignified work.

My work with the DC Chapter of the National Domestic Workers Alliance has also given me the chance to fight alongside street vendors as part of the DC Excluded Worker campaign, which as you know Chairman Mendelson, successfully asked for and won money in the DC Council's budget process for the last three years to provide financial assistance to workers who didn't receive unemployment or stimulus checks.

Street vendors bravely and powerfully led our campaign, they are community activists in DC, they are deeply rooted in this community and are as engaged in the DC political process as anyone I know here.

I'm also connected with the street vendors of DC as a customer of the Vendors United Food

Coop. Last week, every week I was provided a delicious, home cooked meal from a different country. What is a better symbol of the beautiful, multiracial and multicultural community in DC? But this work should be supported and celebrated, not met with harassment and disdain.

I'll close with my experience as a resident of several houses in Mount Pleasant and Columbia Heights for the last 9 years. It is not an exaggeration to say that the street vendors are my favorite part of my neighborhood. I walk by the corner of 14th and Irving 5 or 6 a week and I smile seeing my neighborhood bustling with people selling everything from horchata and watermelons to paintings, masks and shoes. It has always made me feel such pride that we have a little slice of the whole world right here on my corner. After a long day I often delight in giving myself a little treat by buying a cool drink from Reyna or Gloria. I would be thrilled to see a sidewalk vending zone in my neighborhood.

I have never felt unsafe because of the street vendors or bothered by them, and there is no reason this should be a crime. But decriminalizing street vending is the bare minimum. I urge DC should do everything it can to support vendors to get licenses and to be able to easily and safely vend.

I want to say that this change cannot wait, so decriminalizing street vending through the revision of the criminal code, which won't go into effect until the end of 2025, is not enough. It may seem like a reasonable timeline for those in the Wilson building, but to people's lives this is YEARS of harassment and a continued struggle for existence and livelihood, so I close by again strongly urging the Council to pass the Street Vending Decriminalization Act of 2021 and The Sidewalk Vending Zones Amendment Act of 2021 as soon as possible.

Thank you.

Soledad Miranda
Vendedor ambulante de DC y propietario de una pequeña empresa de alimentos;
Miembro de Vendedores Unidos
Testimonio a la Audiencia a la Committee of the Whole sobre Venta Ambulante
16 de noviembre de 2022

Hello, my name is Soledad Miranda. I have lived in Washington since 1996.

When I began to vend in this country, I was mostly selling in the houses of my friends and neighbors. I sell traditional shirts from my country, homemade pillows, and jewelry (such as bracelets). When the COVID19 pandemic began, I began to sell in the street for the very first time. I realized that vending in this country isn't the same as street vending in our home countries. Here, in the United States, there is so much discrimination against our businesses.

I have seen so many cases of police abuse on the street. One time, the police were mistreating two young people. Their mom had ran into a store and the kids were hanging out at her vending spot waiting for her. The police arrived and were threatening to both arrest the mom and to separate their family. The police made sure to tell the children that they were going to separate them from their parents. The daughter was 15 years old and it was fine for her to be without supervision for a few moments. This all happened outside of the Panam International Grocery Store on 14th Street NW.

When you observe the police overtime and how they treat the vendors, it is so clear that they do not protect the community. Rather - they work to separate the community.

Another moment I want to make sure to share is when I was vending on 14th Street on the 14th of February. We were all out on the street selling our products for Valentine's Day - or as we call it - the day of friendship and love. That day is a huge celebration for our community. The police attacked us, because they believed that we shouldn't be out selling flowers in the street. Those are the experiences that I have had with the police.

Vendors have families that they have to help, they have to pay their rent, they have children. Because of those reasons, those pressures, they are out on the street selling.

The form in which they apply the law is racist. It is an abuse against us as vendors. The majority of us are trying to survive and they only find us because our "crime" is visible. It is easy to criminalize us because we are in a fixed post. In order to sell, we have to be visible. They are criminalizing the economy of survival.

For some of us, it can be especially dangerous for us and our immigration status to have interactions with the police. One time the police gave me a fine. In general, if the police arrived, I'd pack up all my things and leave. With TPS status (temporary protected status), you can't have contact with the police. It then makes it impossible to normalize our status and receive residency.

My request to the council memers is that they treat us just like regular business owners. Allow street vendors to obtain a license and have a place to vend (like a vending zone), just like the brick and mortar business owners.

Hola, mi nombre es Soledad Miranda. He vivido en Washington desde 1996.

Cuando yo comencé a vender aquí en este país, yo vendía en las casa de mis amistades. Yo vendo camisas tradicionales de mi pais, cojines, joyeria, pulseras. Cuando empezó la pandemia, con covid, por la primera vez yo cambie a vender en la calle. Y me di cuenta que vender en la calle en este pais no es igual de vender en la calle en los países de nosotros. Hay mucha discriminacion contra nuestras negocios.

He visto muchos casos de abuso policial. Una vez vi a un policía maltratar a dos jóvenes – la mamá había entrado a la tienda y tenían su puesto – llegó la policía iban a arrestarla y separar a la familia. La policía se aseguró de decirles a los niños que iban a ser separados de sus padres. La hija tenía 15 años y estaba bien para estar sin supervisión por unos momentos. Eso sucedió afuera de la panam.

Al observar cómo la policía trata a los vendedores, es muy claro que no protegen a la comunidad, sino que trabajan para separar a la comunidad.

Otro momento en que yo estaba vendiendo en la calle fue el 14 de febrero. Estabamos vendiendo nuestros productos por el día de la amistad y el amor - que es una gran fiesta que la comunidad siempre celebra. La policía nos atacó, porque se suponía que no debíamos estar vendiendo flores en la calle. Esas son las experiencias que he tenido.

Los vendedores tienen familias que tienen que ayudar, tienen que pagar la renta, tienen hijos. Por eso estoy en las calles.

La forma en que se aplica la ley es racista. Es un abuso contra nosotros. La mayoría de la gente está tratando de sobrevivir y nos encuentran porque nuestro “delito” es visible. Es fácil criminalizarnos porque estamos en un puesto fijo. Necesitamos ser visibles. Están criminalizando la economía de supervivencia.

Para algunos de nosotros, puede ser peligroso para nuestro estatus migratorio tener interacción con la policía. Una vez me dieron una multa, llegó la policía. Por lo general, si llegaba la policía, empacaba mis cosas y me iba. El estado de TPS no puede tener un choque con la policía. Entonces sería imposible arreglar nuestro estatus y obtener nuestra residencia.

Mi pedido a los concejales sería tratarnos como dueños de negocios regulares. Permite que los vendedores ambulantes obtengan una licencia y tengan un lugar donde estar, al igual que los dueños de negocios regulares.

Zainab Kamara
DC Street Vendor & Small Food Business Owner; Member of Vendors United
Testimony before the Committee of the Whole Hearing on Street Vending
November 16, 2022

Good afternoon members of the Committee of the Whole. Thank you for listening to our stories today. My name is Zainab and I am a street vendor in Columbia Heights. Though I began in Columbia Heights selling accessories and clothes in July, I have been a street vendor for 16 years, selling art all over the country. When I first came to the United States, I vended at Eastern Market. Eventually I sold at all the major events - Pride, Taste of DC. I remember when it was a Black-centered event. They were crowded, packed events, so beautiful, and they were so much fun!

Vendors like me bring so much life wherever we go. All the big stores in Columbia Heights, they bring business toward them, but without vendors this would be any other block. Instead, this is a place where people come to socialize, to eat food with friends. They wear nice clothes and show off. Even if people don't have money, they still come to Columbia Heights just for the vendors and the ambiance! We bring even more customers to the other businesses in the area. This is why I want the Council to decriminalize vending and make it easier to get a license to vend legally.

I think far too often in this city, people just want to see other people go to jail. If people end up in prison, when they come out, many are messed up, they're frustrated, they see the world differently. If they were vending, they could lose their small business. Maybe they'll be driven to stealing and doing other things to survive. Why would we want that? Shouldn't we be helping people get more opportunities to succeed for themselves?

If I decide to vend in DC, the city should give me the opportunity to do it the right way. Not put up all sorts of fines and fees as a barrier to stop me, not criminalize me when I try to sell. Give me the opportunity to do it. We are just waiting for the opportunity to do it right.

It feels like DCRA gives licenses to some people, makes it easier for some people, but not others. Just a week ago, DCRA passed out these complex letters that were supposed to explain how to get a license. I didn't really understand what was written. They aren't giving us any problems right now, but if they come back and tell us to pack up, what will we do? Where will we go? We make Columbia Heights what it is. That's why I'm urging you to pass these bills, to make street vending no longer a crime and to make it easier to get a license. We can't wait any longer.

Thank you for your time, have a wonderful rest of your week.

Esteban Salvador
Vendedor ambulante de DC y propietario de una pequeña empresa de alimentos;
Miembro de Vendedores Unidos
Testimonio a la Audiencia a la Committee of the Whole sobre Venta Ambulante
16 de noviembre de 2022

Hello, my name is Esteban Salvador and I've lived in Washington since 2008.

We sell our products on the street – sometimes on 14th street, sometimes near the national mall, and sometimes as far as Langley Park and at a flea market, in NOVA. The reason we move around so much is we don't have a set place to vend. Sometimes, we're at a spot and people tell us that we can't be there.

You always have that fear. And you never really know how long you might be allowed to be in a particular location. Sometimes the police come, focused on that we can't be in a certain place or that vending isn't permitted in that particular locations. Thankfully, we've never had all of our items thrown away but generally when they tell us these things, we have to pick up and leave. I think because we don't sell food, we've been able to escape some of the biggest problems.

Sometimes, we get customers, and they'll say - "When is the next time you'll be in this spot? Can we come back to purchase from you next Sunday?" And I always sadly have to tell them that we're not sure when we'll be back, not sure about the next time they'll be able to find us.

If it was possible to be part of a vending zone, it would make us very happy and make our jobs as vendors much easier and much more secure.

Angela Salazar
DC Street Vendor & Small Food Business Owner; Member of Vendors United
Testimony before the Committee of the Whole Hearing on Street Vending
November 16, 2022

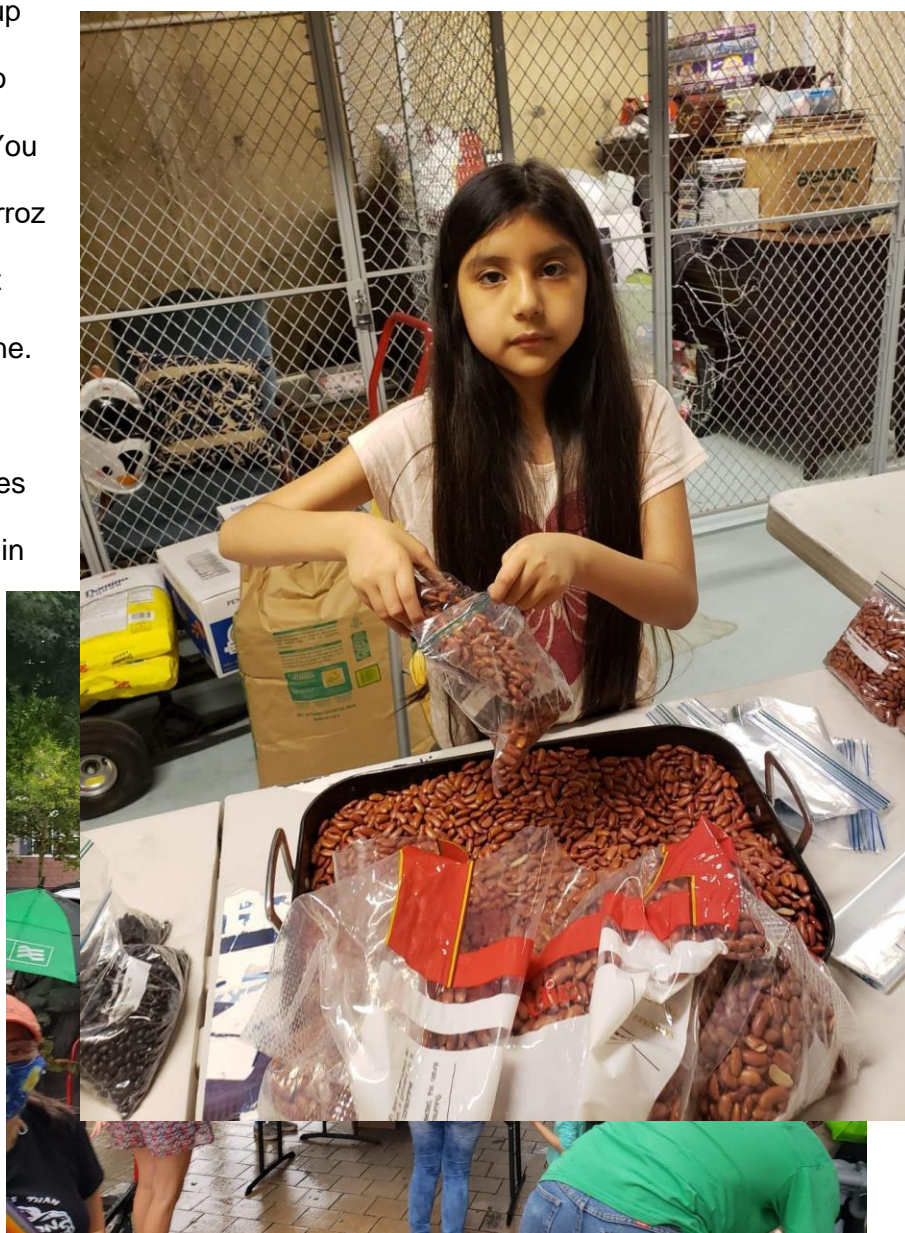
Good day, DC Council and thank you for the opportunity to speak before you. My name is Angela Salazar and I'm here to speak with you about my life as a mom, a chef, and a street vendor. I also want to urge you to immediately decriminalize street vending without a license and create an easier way for us to be in compliance with street vending rules and regulations. My family (my husband Pablo and our daughters Mariela and Yanel) always do our work together. That is a big part of street vending culture here in DC—it is a family tradition and a way to share our culture, no different than when families work together at Farmer's Market or if they own a store, work



together in their store. Often, children help from the time they are little, from running the cash register, to helping divide up bulk foods.

My husband, Pablo came to the US in 1994 and I came 2 years later in 1996. Here, we met again, and married. We didn't know this would be our future when we first met in my hometown. Pablo was a fruit and vegetable vendor in the outdoor market in the village in Mexico where I was born and raised, San Salvador, Hidalgo. It's a little family joke that back in our market days, we never saw each other as romantic interests. Our daughters, Mariela and Yanel, our two daughters, now accompany us everywhere, decades later from when we met back in my village market.

Mariela and Yanel help us divide up beans, rice, and maseca weekly to support our activism in Ward 1. You can find our entire family at the “Arroz y Frijoles” mutual aid table almost every Saturday, rain, snow, or shine. We have been the leaders in this project to feed thousands of families experiencing deep food insecurity in Ward 1 and beyond. We bring over 20 years of experience preparing and sharing food through our church, La Reina de las Americas, a Catholic Church here in DC, to their community care work with Ward 1 Mutual Aid.



Pablo and I both come from a long line of families preparing and preserving the culinary traditions of our culture and bringing fresh, healthy produce to their communities in their markets. This spring, we were part of a group called the Vendors United Catering Coop and many people supported us by purchasing a meal subscription during the Winter months when our families struggle financially.

In my eyes, street vending is no different from the work we do at our weekly mutual aid table, our church, and the long tradition we have carried forward with our families. We are all part of a powerful and interconnected food network, where all parts deserve dignity and respect.

I am especially upset that police have called my friends and neighbors bad parents and even threatened to take their children away from them because they have been vending without a license. I am upset that police have hurt our children while they were just sharing our culture and our food. The police are the criminals for doing this, not our community members.



Pablo and I were part of Unity Market several years ago during Mayor Fenti's time, and we want to see our work supported like this again, with publicly designated street vending zones that we can manage and operate ourselves. Street vendors deserve support to make our sidewalks beautiful, just as the restaurants did during the pandemic. I urge you to stop needlessly punishing our community for our hard work, and start supporting us to create even more beautiful and professional public spaces for street vending.

Before the Committee of the Whole

**Public Hearing on Bills: 24-49: Street Vending Decriminalization Amendment Act of 2021
and 24-50: Sidewalk Vending Zones Amendment Act of 2021**

November 16, 2022

Testimony of Raphy Gendler

Good afternoon Mr. Chairman, Councilmembers, and staff. Thank you for the opportunity to testify today. My name is Raphy Gendler. I am a Ward 1 resident and live in Mt. Pleasant. I am testifying in my personal capacity. I am community member who values street vendors' important role in our neighborhoods and city. I have had the opportunity to learn more recently about the work of our DC vendors through my work as special assistant to the president at Tzedek DC, a nonprofit legal organization headquartered at the UDC David A Clarke School of Law which focuses on protecting the legal rights and financial interests of DC residents dealing with consumer issues.

Through that work, I've had the privilege of meeting neighbors who work as street vendors. Their enthusiasm for their work and dedication to providing food, conversation, and support to their communities is an important reminder of what makes neighborhoods like Mt Pleasant welcoming places for their diverse populations.

Street vendors keep their communities safe and contribute to their city's multicultural vibrancy. Vendors who give DC its character and diversity are being displaced from neighborhoods due to rising rents, poor job opportunities, and historic and ongoing patterns of disinvestment in communities of color.¹ By making street vending — an important job opportunity — inaccessible and expensive, DC is making its communities less warm, welcoming, and exciting.

I encourage the Council to pass the two bills being considered today because they will benefit street vendors, create important racial justice progress, and help support the diverse and exciting communities that make DC a great place to live and work. When we support vendors' access to employment opportunities, decriminalize street vending, and remove the financial and administrative barriers to economic opportunities, we help build livable, diverse, and vibrant neighborhoods.

Thank you for your time and for considering these important pieces of legislation.

¹ See *Where the Sidewalk Ends Part 2: A Vision for Decriminalizing and Investing in DC Street Vendors* (forthcoming) pp. 7

TESTIMONY REGARDING Decriminalizing Street Vending

Commissioner Trupti J. Patel, ANC 2A03-Washington DC

Chairman Mendelson and members of the Council. I testify in support of decriminalizing street vendors.

Street vendors are valuable members of communities who are being penalized for not participating in a formalized economy. Many first world nations have street vendors and are seen as the fabric of the community. Street vendors do the following:

- *provide consumers to have a quick nutritious meal
- *care of the hyperlocal community and are trusted by community members.

Street vendors are targeted because they are Black and Brown human beings who decided to no longer tolerate the abuse from their previous employers. We can not allow laws steeped in racism and oppression be wielded as a threat for incarceration as this community is entitled to the inalienable right to human dignity and to earn an honest living.

Street Vendors embody the American Dream and yet here I am having to defend the American Dream in the nation's capital.

The current status quo deliberately excludes this segment of the economy from grants and loans and on top of that they face collateral consequences. Consequences such as penalties or restrictions triggered by criminal convictions or citations. These consequences have wide-ranging effects on an individual's ability to secure employment or housing, maintain their tenuous immigration status, and maintain eligibility for government resources.

- Most notably, D.C. will deny a vendor's initial application or a renewal application for a Vending Business License if the vendor has a conviction for vending without a license. This consequence completely cuts off individuals from obtaining a license despite paying fines and attempting to become a street vendor through the "proper" channels.
- A criminal citation for illegal street vending can also limit a vendor's access to employment and housing.
- For many immigrant street vendors, a criminal penalty from street vending can render them and their families vulnerable to Immigration and Customs Enforcement proceedings.

Without the proposed legislation before the council we will criminalize Black and Brown entrepreneurs! Cities such as Los Angeles, New York City and Portland have developed different regulatory structures to allow for more fair vending practices. Each of these cities first decriminalized street vending and then recreated their vending infrastructure so that it is more

responsive to the lived experience and needs of street vendors. Their reforms provide street vendors with considerably more autonomy and promote both economic and community growth. Some of the strategies these cities deploy include:

- **Removal of police authority over street vendors**
- **Fix-not-fine**
- **Fees based on ability to pay**
- **Removal of permitting requirements**

I urge you to pass the **Street Vending Decriminalization Amendment Act of 2021** and the **Sidewalk Vending Zones Amendment Act of 2021**.

Testimony in support B24-0049 “Street Vending Decriminalization Amendment Act of 2021” and B24-0050 “Sidewalk Vending Zones Amendment Act of 2021”

Chad Reese

Assistant Director of Activism, Institute for Justice

November 16, 2022

Committee of the Whole

Council of the District of Columbia

Introduction

The Institute for Justice (IJ) is a public interest, non-profit law firm and advocacy organization dedicated to preserving the right to earn an honest living, to working with state and municipal officials and entrepreneurs to streamline the business start-up process.

Building on our successes promoting economic liberty across the country, IJ launched its *District Works* initiative in 2019 to help connect entrepreneurs and their needs directly with D.C. policymakers to truly understand what reforms would help spur innovation and business formation for D.C. residents at all income levels.

Part of that work involved [mapping out](#)ⁱ the entire business licensing and registration process, which revealed a number of redundancies, unnecessary costs, and significant complexity. Luckily, this Council and the newly established Department of Licensing and Consumer Protection have acknowledged those challenges and are working to streamline the process.

We view efforts to do the same for vending in D.C. as complimentary and welcome, and strongly support the efforts behind decriminalizing street vending while reforming the licensing process.

Street Vending Decriminalization Amendment Act of 2021

While my testimony primarily deals with the Vending Zones Amendment Act, decriminalizing street vending is unambiguously positive for D.C., and this bill is a welcome reform. The right to earn an honest living is burdened enough without turning hardworking entrepreneurs struggling to comply with an archaic licensing system into criminals.

Sidewalk Vending Zones Amendment Act of 2021

Zone Based System

Moving to a zone-based system is a win for entrepreneurs, brick and mortar businesses, and consumer alike. For vendors, simple rules simply work better, and allowing flexibility and

mobility within zones is an important way to help keep thoroughways clear while letting vendors meeting customers where they are.

In the past, conflicting instructions from various agencies and departments in D.C. made it next to impossible for well-intentioned vendors to really understand where they could and could not vend.

It is worth mentioning that while Columbia Heights is obviously an epicenter of sidewalk vending in D.C., and rightfully has its zones codified, future zone creation may require additional oversight by this Council. The Council should ensure that as neighborhoods change and vendors have opportunities to work with different parts of the community, the Mayor's office is responsive to those needs, and commits to creating future vending zones when and where the need arises.

Cost

IJ's research into the D.C. licensing process and direct conversations with entrepreneurs, including vendors, during the past several years found that a two-year basic license was costing entrepreneurs hundreds of dollars (in addition to various other permitting requirements), pricing many out of a natural means of providing for their families. By creating less expensive pathways both through direct licensing and the option to work through vending zone managers who are limited in how much they can charge individual vendors, this bill would go a long way to address one of the most concerning aspects of past vendor licensing.

The Importance, and Feasibility, of Amnesty

It is worth mentioning that the bill's amnesty provision is vital to the success of all its other provisions. To the extent that the Council is serious about helping vendors who may now operate in the informal economy due to the cost and complexity of the existing licensing structure, it should realize that it will only be able to convince those vendors to engage in the licensing process if the promise of amnesty for previous unpaid licensing-related civil citations.

Just as importantly, Council should engage in substantive oversight to ensure that the bill's public education requirement is thorough. Reaching many vendors through traditional channels of government communication may prove difficult, and the Mayor's office will likely need to work closely with grassroots organizations, nonprofits, and other community groups who vendors know and trust.

Additionally, any fiscal costs associated with such amnesty programs should be viewed as more than acceptable.

Other cities have routinely found that amnesty programs are successful in bringing individuals back into compliance, and their experience has typically been that any foregone fees forgiven by such programs were unlikely to be collected absent amnesty.

I'd point the Council to San Francisco as a clear example. Their [Financial Justice Project](#) forgave or slashed outstanding fines and fees across the board, including towing fees, criminal justice debt, and overdue library fines.ⁱⁱ Among their "ten lessons learned" included in their initial report

three years after launching the project, they highlight that “fine and fee reforms do not necessarily lead to a loss in revenue,” and that “In some cases, proportioning fines or fees to lower income people’s ability to pay can lead to an increase in revenue.”

Recommendations

At this time, my only recommendations for improvements to the bill are focused on clarifying and strengthening that amnesty program to ensure its success.

First, the Council should make clear that the amnesty program’s language of “unpaid licensing-related civil citations” applies to Clean Hands infractions. Despite recent improvements to D.C.’s Clean Hands rules that prohibit licensure of residents owning \$100 or more in outstanding debt to the District, business license holders or applicants can still be locked out of their primary source of income for a couple of speeding tickets or a late water utility bill.

In all likelihood, anyone applying for the amnesty provision in this bill will be out of compliance with Clean Hands or will have Clean Hands violation fines in addition to any unpaid or overdue licensing fees. It should be clear to vendors that these violations and fees associated with them are included in the amnesty program.

Ideally, the Council will revisit Clean Hands and consider narrowing the scope outstanding debt and raising the threshold for business licenses just as it did for Driver’s Licenses, but until then, any fines and fees reform or amnesty programs should clearly communicate that they include Clean Hands violations.

Second, because amnesty and streamlining of the vending licensing process are both long overdue, it is possible that the amnesty window is too narrow. Extending it beyond 5 years increases the chances that long-time vendors who ran into compliance issues will participate in the program and go through the licensing process. Anyone still operating or seeking to operate as a vendor with unpaid licensing fines dating back more than 5 years is someone the Council should want to bring back into compliance, and their unpaid fines are unlikely to ever be collected.

I appreciate the Council’s attention to this issue and the opportunity to provide testimony on these bills. Please do not hesitate to reach out to me if you have any questions.

ⁱ “Want to Start a Business in DC? It May Be More Complicated Than You Think.” <https://ij.org/wp-content/uploads/2019/02/district-works-flowchart-web.pdf>

ⁱⁱ Advancing Financial Justice in San Francisco: The Experience and Lessons of the City’s Financial Justice Project. <https://sfgov.org/financialjustice/advancing-financial-justice-san-francisco>

Testimony by Lauren Spokane to the Committee of the Whole
11/16/22

Hi, my name is Lauren Spokane, and I am a DC resident, a homeowner in Ward 4, a parent of two young children, and the Synagogue Director of the New Synagogue Project, a Jewish community based in Petworth that works toward a world of justice, equity, and liberation. I'm here on behalf of the New Synagogue Project to encourage the DC Council to pass the Street Vending Decriminalization Amendment Act of 2021 and the Sidewalk Vending Zones Amendment Act of 2021, and to implement these policies immediately. Our neighbors can't and shouldn't wait for the protection and support they deserve.

In Judaism, we have a concept of b'tzelem elohim, that every person is made in the image of G-d. The divinity in all of us demands that we treat every person, every worker and small business owner with dignity and respect. Our tradition considers treating others with dignity to be a mitzvah, a responsibility, not an optional suggestion. It's critical that in DC, those of us who make a living by feeding others are not harassed by police, not levied with fines and criminal records, and instead provided accessible pathways to do their business freely. This is basic dignity and respect.

This past winter, I and many other members of the New Synagogue Project community were blessed to be customers of the Vendors United Food Coop. Based on the CSA model, we signed up to purchase 8 meals for the winter season, each week getting to select from an incredible menu of cuisines from around the world, each meal delicious and nourishing. In addition to enjoying freshly made food from vendors' home countries, I also treasured the experience of going to pick up the meals, always an opportunity to run into friends and neighbors and to meet the vendors who had worked so hard to help feed me and my family.

Street vendors are valuable members of our DC community, they are our neighbors, and they contribute to the vibrancy of this city. And just like every other human being, they deserve to be treated with dignity.

Thank you for the opportunity to testify, and thank you in advance for your support to pass and implement immediately the Street Vending Decriminalization Amendment Act of 2021 and the Sidewalk Vending Zones Amendment Act of 2021.

Committee of the Whole
November 16, 2022
Nadia Salazar Sandi
Organizing Director, DC Jobs with Justice

Chairperson Mendelson and members of the Committee,

I am here today to testify in strong support of B24-49, Street Vending Decriminalization Amendment Act of 2021; and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021.

My name is Nadia Salazar and I am the Organizing Director with DC Jobs with Justice, a coalition of labor organizations, community groups, faith-based organizations, and student groups dedicated to protecting the rights of working people, supporting community struggles, and promoting racial justice to build a more just society in DC for over 20 years. Our membership is made up of over 60+ organizations that work with and for the communities of DC.

Street vending is dignified work for entrepreneurs, creatives, caregivers, and more. They are out in the streets during the heat, snow, and rain to provide essential and desired needs or goods for us. As an organization that focuses its efforts on marginalized workers we believe that supporting this work is not only part of our mission but also it is our responsibility. We understand that the movement for worker's rights is beyond those who exist within our structured economy. We recognize that people in the cash economy, many times excluded workers, are the most vulnerable to abuses and discrimination. We have heard countless stories from street vendors, laborers, "gig" workers, and more. We know that they are more than just their laboral contribution, they are community caregivers. They are what make our community welcoming, vibrant, and safe. Many are Black/Indigenous People of Color (BIPOC) and it is evident that they are unjustly targeted as it is shown in the data from the DC Sentencing commission that shows that 95.4% of the vendors arrested during Jan 1, 2018 to September 30, 2022 were BIPOC.

DC Jobs With Justice has been working in alignment with and *lunchando with* street vendors in DC since even before the pandemic when we supported the family of street vendors who were injured by the police. It was throughout the pandemic, however, that DC's vendors began to win the recognition that they deserved from the DC government. Street vendors have been a critical part of the Excluded Worker coalition which won tens of millions of dollars for undocumented workers, cash economy workers, and those whose lives have been impacted by the criminal justice system. Vendors fall into all three of those categories.

In the Excluded Workers campaign, vendors and others demanded that their work and their existence in our communities be seen as legitimate. Just as the separate and smaller DC CARES program does not provide the security that unemployment did to so many in this country, merely removing the specter of police aggression does not fully value the work of

vendors. However, it is the first step and critical step to ensuring the economic and personal security of these workers.

Back when I was young and still lived in Bolivia I used to take the school bus home. One day, because I was busy with friends, I missed my bus and took a different school bus to get me near my mom's job. When I arrived, my mom had bolted back to my school when I did not get off my regular school bus. I was 6 and terrified. The street vendor who sat on the corner of my mom's job for nearly 20 years (her mother held the spot before her) saw a 6 year old Nadia sobbing in a corner and knew immediately who I was. She saw me meet my mom every day when I got off the bus, she knew my mom worked there, she knew my favorite snack, and helped me call my school. My mom had just been there frantically looking for me and thankfully the administrator was able to catch her looking for a cab outside. I was able to talk to my mom and told her I was with Dona Maria. I was reunited with my mother and we became faithful customers of Dona Maria.

There are thousands of Dona Marias on our DC streets. They not only feed us, provide necessities for us, but they also are an integral part of our community. They are out in the street where our children play, where our parents walk, where the world is happening. They know most of us by name and favorite meal/snack/or good and I can guarantee that there are thousands of stories like mine from Bolivia to here. Street vendors provide safety, and comfort. They have been out through the entire pandemic, many times feeding people for free who are struggling and creating mutual aid for those who do not have access to government funded help.

It is appalling that they are still living in the margins of our society and facing rampant discrimination and attacks daily. I want you to remember that street vendors are your neighbors, your children's friend's parents, and they have the right to dignified work like you and I. I am worried and concerned for the safety of communities who are simply seeking an honest way of living. Street vending is part of the rich history of DC and unfortunately their criminalization is too - we are in a moment in time where we can change this. It is in your hands to be able to provide safe and accessible work for street vendors in DC by fully passing the Street Vending Decriminalization Amendment Act of 2021; and the Sidewalk Vending Zones Amendment Act of 2021.

Thank you for your time and consideration.

Sunni Stuart
DC Street Vendor & Small Food Business Owner; Member of Vendors United
Testimony before the Committee of the Whole Hearing on Street Vending
November 16, 2022

Good afternoon Councilmembers, Chairman Mendelson, and the Committee of the Whole. My name is Sunni Stuart, and I vend in Columbia Heights. I'm here today because I strongly support decriminalizing vending and making it easier for vendors to get licenses.

I try to make everyone feel comfortable and welcomed while I'm selling. I want to touch folks not just with food but with my hospitality and generosity. Customers regularly come back and chat with me; I love forming relationships with elders in the community and also youth, who come by after school and look up to me. I try to help people down on their luck with a plate of food when they can't pay. Vending is about strengthening the whole community around you, and it's so important to serve as a role model for youth to show them what's possible if they work hard.

I personally have not yet run into problems vending on the street. People are lovely, customers are always appreciative of our food. Sometimes, I get asked lots of questions about the way my business runs, where I cook my food, etc by strangers who don't make it clear if they're with an agency or not. Regardless, I know that others have faced police violence and large fines, especially those that have vended in the city for many years.

Permitting costs are still a huge hurdle to vending legally. It's such a complicated process to get all these different licenses from different agencies. If I could save all that money I would normally have to pay, I would be able to reinvest in my stand, maybe even get a food truck. Instead, DC not only restricts me from growing my business, but it also would criminalize me for even trying. That doesn't make any sense.

Instead, I wish DC actually invested in us and our success. I would love, for example, if people had access to communal kitchens to cook out of. Right now, so many fellow vendors rely on vending for their livelihood. They should be given a fair chance, a shot to save for their family and their vending, instead of criminalization and high fees. Vendors can't wait any longer - we want decriminalization and greater access to licenses. Please pass these two bills as soon as possible. Thank you so much for your time today.



Kristen Barden, Executive Director, Adams Morgan Partnership BID

Testimony for hearing on B24-50 Sidewalk Vending Zones Amendment Act of 2021

November 16, 2022 – 12 noon via Zoom

Good afternoon, Chairman Mendelson, members of the Committee of the Whole, staff, and colleagues. I'm Kristen Barden and I am the Executive Director of the Adams Morgan Partnership BID (Adams Morgan Partnership). I have been in this position since November 2009. I am here today to testify against Bill 24-50 Sidewalk Vending Zones Amendment Act of 2021 and also make a suggestion that a pilot Sidewalk Vending Zone be tested in Columbia Heights before going city-wide.

I was a part of the Vending Task Force created in 2009 and which met through 2010 and through which many of the current vending rules were created. Our work then was primarily focused on developing equitable food truck regulations but the issues are mostly the same whether it is sidewalk vending or mobile vending.

“Vending” can be seen as a ‘laboratory’ for new goods or services which are not currently offered at “brick and mortar” businesses, or as an opportunity for a new business person to get into business with minimal capital outlay. The AMPBID, consists of many small, independently owned businesses, and as such we support vending as a form of entrepreneurship. We do, however, request that DC Government form guidelines, that while supporting those entrepreneurs, don't at the same time cause harm to brick and mortar businesses that have made heavy investments in the community and pay a lot of fees and taxes to the cit. The use of public sidewalk space is a premium public good and should be treated as such and protected.

Brick and mortar businesses invest in developing their permanent storefront locations and pay millions of dollars in sales taxes, property taxes, BID taxes, rent, fees and other taxes associated with operating a permanent location in addition to providing jobs for DC residents and the taxes generated by each of those residents. They have paid a premium for a location on the street and access to customers in that area. My testimony today is focused on concerns about sidewalk vending zones and their management.

As we discussed with mobile vending zones in 2009, 2010 and 2012, there must be:

- Definition of where vending zones are allowed – x feet from hydrants, x feet from sidewalk cafes, x feet from crosswalks, etc...
- Definition of each vendor's location – depth into sidewalk, dimensions of selling space, furniture, sound, loading and unloading
- Definition on where their vehicles/vans can be parked after unloading, no overnight parking, etc...
- Definition on exact locations for each vendor within a specific vending zone – permitting them to move around within the zone is complete chaos and should NOT be allowed
- Definition of how entry would be denied once the zone has reached capacity and what the consequences would be – if the goal is decriminalization of sidewalk vending how can this be enforced?
- Definition of qualifications to get a license within the vending zone – exclusive for DC residents or not?
- Definition of who assigns locations – the Sidewalk Vending Zone Manager? – how are locations determined? By lottery? Not all locations are equal. What happens when a site is abandoned? How long before the site is reassigned? How are disputes resolved when someone violates the assignment?
- Definition of the amount of liability insurance each vendor is required to maintain – will the Office of Risk Management determine the amount?
- Definition of what goods can be sold – only non-food? Some food just not food requiring heat?
- Definition on where items and vehicles are stored each night

- Cleaning concerns – who cleans up after each vendor each night? Where is trash taken? Will BIDs have to clean up after the vendors in our areas and will there be additional funds from DC government to pay for that staffing?

Sidewalk Vending Zone Manager

This role should be performed by DC government who can best regulate the licensing process, health inspections for food vending, sales tax compliance, fire safety, collection of an annual administrative fee, etc....

Asking a non-profit to assume the role of a sidewalk vending manager is asking them to assume the enforcement role of DC government and is fraught with liability and jurisdiction issues. The vending zone manager will assume liability for any penalty assessed by a registered sidewalk vendor? I doubt it. Why would they? There is too much risk. Again the vending zone manager should be a DC government role.

Amnesty Program

Providing an amnesty program for people liable for unpaid licensing-related civil citations up to 5 years prior is a slippery slope and sets a bad precedence. Where does it stop and don't you think every other person who has any kind of licensing-related citation is going to expect those to be waived as well?

Members of the public may request establishment of sidewalk vending zones

Does that mean anyone can request? Shouldn't there be a process by which the zones are selected ? Perhaps requiring ANC approval?

Because of these ALL OF THESE concerns we think the correct action should be to form a Columbia Heights Sidewalk Vending Zone PILOT PROJECT for a specific period of time to work out all of the flaws and make corrections before attempting to take this city-wide.

Thank you for your time. I am available to respond to questions.

Testimony in support B24-0049 “Street Vending Decriminalization Amendment Act of 2021” and B24-0050 “Sidewalk Vending Zones Amendment Act of 2021”

Allie Bobak

11/16/2022

Council of the District of Columbia

Committee of the Whole

Thank you to Chairman Mendleson, the Committee of the Whole, and, of course, the extremely hard working Council staff. Y gracias a todos los vendedores por estar presente y siempre trabajando por una ciudad mejor.

My name is Allie Bobak, and I am testifying today as an independent member of the community. I also worked for Councilmember Nadeau, and worked closely with the Councilmember to help design and draft this bill.

I am here today to testify in support of Bill 24-49, the “Street Vending Decriminalization Amendment Act of 2021,” and Bill 24-50, the “Sidewalk Vending Zones Amendment Act of 2021.”

I will focus on the Sidewalk Vending Zone Amendment Act of 2021.

This bill was written through a true participatory legislative process. It began when DC sidewalk vendors in Columbia Heights brought issues they were facing to the attention of the Council, years ago. You have heard their stories today, and similarly years ago they spoke of systematically being unable to vend with a license, despite a strong desire to do so. They would go DCRA and not understand the rules given the complexity of the licensing scheme and lack of language access. They told of being sent to DDOT who said they needed a public space license, but there were none available, and none expected to be available in Columbia Heights (note - there are 3 total for the area). They heard of the high entry costs, including for insurance, public space license, Basic Business license, and more. They expressed how criminalization of sidewalk vending, a non-violent act, meant that police were involved in enforcement which was traumatic and overall ineffective.

This bill fundamentally provides an accessible licensing scheme for micro-enterprise. It solves for gaps and inefficiencies of government, while also meeting the residents where they are. Some highlights include:

1. The Vending Zone manager functions similarly to a market manager, who will provide oversight and technical assistance for the sidewalk vending zone. This entity will ensure compliance with all DC laws by the vendors, while also providing them with a way to learn and move into formalization.
2. The Vending Zone allows movement to different locations – an important part of preserving the culture and business strategy of the vendors.

3. The bill protects key regulatory pieces, that we heard from District agencies throughout the drafting process are especially important, including making absolutely no changes to Department of Health food regulations, ensuring the public space insurance is still held, and ensuring all vendors formalize their businesses.

The vendors have done their part to get as far as they can in the current scheme. They found and completed a bilingual food management certification course. They have found commercial kitchens to cook their food. They also attempted to create a Vending Development Zone, an existing vending license; this attempt was not supported by the regulatory agencies as a viable option specifically in Columbia Heights. They explored creating a market in Columbia Heights. While this was in progress, COVID began and the new market requirements again put up barriers to entry. I would also note that both options take away the ability of movement, a key part of the business strategy of the vendors. The base of the issue is that there is not a way for these micro-businesses to do business right now, and my question is why?

The DC City Council can provide laws that facilitate what the people want and need. The community wants and supports the vendors – it is part of the heart and soul of the city. The vendors want to vend legally, support their families, and share their culture. And the government wants to write laws that facilitate equality of entry into the system.

Thank you Councilmember Nadeau and staff for introducing this bill, and Chairman for the time.

Draft Testimony
Committee of the Whole Public Hearing - **Wednesday, November 16, 2022**
Bill 24-49, the “Street Vending Decriminalization Amendment Act of 2021”
Bill 24-50, the “Sidewalk Vending Zones Amendment Act of 2021”
William H Jordan, whj@melanet.com, Columbia Heights

My name is William Jordan resident of Columbia Heights-14th St neighborhood and member of the award winning Columbia Heights Public Realm (CHPR) design team.

I am testifying in support of Bill 24-39 to decriminalize street vending in the corridor; however, in opposition to Bill 24-50 as crafted. B24-50 simply legitimizes and perpetuates the historic neglect, biases, and mismanagement of public space in the 14th St. corridor while failing to enforce the comprehensive vision of the Public Realm Plan and required investments.

If recent patterns holds, B24-50 will simply reward those responsible for the recent bias and neglect which has lead to the area’s collapse into fear, crime and neglect. I recommend the following change and approach to B24-50.

1. Two separate vending zones be created with separate management and funding structures, one centered around the Columbia Heights/14th St Corridor and one centered around Mt. Pleasant/17th St.. Historically needs in Mt. Pleasant takes such a lion share of resource and attention Columbia Heights is neglected.
2. Columbia Heights/14th St. boundaries need to be expanded and refined.
3. Vending in the CHPR plan was envisioned as an opportunity to ensure those living in the community had in opportunity to participate in the business and economic opportunities made possible by redevelopment. Funding must be provided for an vending incubator program targeting neighborhood residents.
4. 14th Street Corridor funding is necessary for management, physical environment improvements and maintenance. Along with establishing a community board.
5. Vending spaces and structures such as tables should be standardized, branded and provided to vendors.
6. Clear and public agreements between property owners, DDOT, DGS, DPR must be implemented.
7. The CHPR was established as a public community benefit; vendors are welcomed partners and guess. B24-50 fails to clearly address public benefit.
8. Additional Community and vendor design meetings such be required on B24-50

Again, I support B24-49; however, B24-50 is fundamentally flawed and lacks the comprehensive approach and funding needed for success and excellence. B24-50 should not be half-assed continuing the current patterns of bias and neglect; therefore, needs to be reworked.

Draft Testimony

Committee of the Whole Public Hearing - **Wednesday, November 16, 2022**

Bill 24-49, the “Street Vending Decriminalization Amendment Act of 2021”

Bill 24-50, the “Sidewalk Vending Zones Amendment Act of 2021”

William H Jordan, whj@melanet.com, Columbia Heights

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF LICENSING AND CONSUMER PROTECTION**



Public Hearing
On
Bill 24-49, the “Street Vending Decriminalization Amendment Act of 2021”
and
Bill 24-50, the “Sidewalk Vending Zones Amendment Act of 2021”

Testimony of
Shirley Kwan-Hui
Interim Director
Department of Licensing and Consumer Protection

Before the
The Honorable Phil Mendelson, Chairman
Committee of the Whole
Council of the District of Columbia

November 16, 2022
12:00 pm

Via Virtual Platform

Good afternoon, Chairman Mendelson, Councilmembers, and staff. I am Shirley Kwan-Hui, the Interim Director of the Department of Licensing and Consumer Protection (DLCP or Department), and I am here today to testify on Bill 24-49, the “Street Vending Decriminalization Amendment Act of 2021” and Bill 24-50, the “Sidewalk Vending Zones Amendment Act of 2021.”

Bill 24-49, the “Street Vending Decriminalization Amendment Act of 2021,” seeks to remove criminal penalties for any violation of the Vending Regulation Act of 2009 (D.C. Official Code § 37-131 *et seq.*) or the vending business license regulations. Bill 24-50, the “Sidewalk Vending Zones Amendment Act of 2021,” would allow the Mayor to establish sidewalk vending zones where vendors can move around freely and legally operate. The legislation would create two new licenses: one for an individual vendor and one for non-profits and co-ops to act as vending managers over the proposed zones.

As the new Interim Director at DLCP, I am committed to improving customer service at the agency, which includes language access services. First, DLCP will be conducting language access training across the agency, so all our employees understand what resources are available and how to access those language services for our customers. Second, we are actively recruiting six more account managers who will focus on specific Wards so they can be engaged with customers and other advocates to address specific concerns or issues happening in that specific Ward. And finally, we are working on an educational and outreach program that will be easily accessible in different languages that explains the licensing process and how best to get in contact with DLCP if they have any questions or concerns. DLCP wants to continue to provide the needed resources for all members of the District to participate in our local economy.

Turning back to the bills in question, while DLCP agrees that creative solutions need to be thought of and has some ideas in this regard, the Department would like to first share some concerns we have with each piece of legislation. And I will conclude with an alternative approach that we think may meet the needs of vendors, while using the existing regulatory framework.

Bill 24-49, the Street Vending Decriminalization Amendment Act of 2021

The Street Vending Decriminalization Amendment Act of 2021 would eliminate criminal penalties for any vending violation. While DLCP understands the intent behind the legislation, we have strong concerns with removing a key enforcement tool.

It is important to recognize that this bill would have far reaching implications for the city. DLCP would have greatly limited ability to take enforcement action against unlicensed vendors because we cannot require individuals to provide their name or identification. And if vending is decriminalized, MPD also cannot ask for identification from an unlicensed vendor for vending violations. Currently, DLCP can suspend or revoke a business license of a vendor who does not comply and can issue civil fines. But if the individual refuses to provide their name or identification, the agency has no way to force the person to comply so that a civil infraction could be issued. Similarly, if the individual ignores the fine and it is an “out-of-state” vendor, there is no way to collect the fines if they do not use District services for which Clean Hands certification is required.

I also want to point out that when it comes to vendors who are not District residents, we need to draw an important distinction for the kind of activity we are targeting. At major events such as the 2018 MLB All-Star Game and Presidential Inaugurations, we see an influx of out-of-state vendors selling counterfeit goods. Without the leverage of criminal penalties, there is a very

low likelihood of effective enforcement since these non-District individuals will know that our vending laws lack any effective accountability.

I want to emphasize that if an existing business storefront is operating illegally, the Department can determine who the property owner is or who is leasing the property, and issue a Notice of Infraction. But for street vendors operating without a license and without a fixed location, we cannot do this type of research to identify them and hold them accountable for regulatory violations.

The consequences of a vending system with no effective enforcement are not difficult to envision. Civil enforcement is ineffective without the ability to obtain proper identification to issue citations to unlicensed vendors and bring them into compliance. And without civil enforcement, there would be significant adverse impacts on public health and usage of public space. Licensed businesses—whether vendors or brick and mortar—will be at a disadvantage. This becomes a disincentive for compliance overall. While DLCP seeks to create a fair regulatory system for all businesses and entrepreneurs in the District, we need the proper enforcement tools to ensure bad actors are not allowed to partake in unsafe and nefarious practices. We believe enactment of this bill will have very serious negative impacts on the District.

Bill 24-50, the Sidewalk Vending Zones Amendment Act of 2021

The Sidewalk Vending Zones Amendment Act of 2021 would create sidewalk vending zones overseen by sidewalk vending zone managers. It also seeks to bring some unlicensed sidewalk vendors into regulatory compliance by waiving unpaid licensing-related civil citations for those who obtain an individual license or register with a sidewalk vending zone manager. The Department appreciates new approaches to illegal vending citywide, and specifically in the Columbia Heights neighborhood. However, we have significant concerns with the bill as drafted

and would like to work with the Council, vendors, and the community to improve the intent of the bill.

Designated Zones

First, we have concerns over the designated Columbia Heights zones, as well as proposed future zones. Critically, some of the vending spaces identified on page 6 of the bill are not District-owned properties but instead are under National Park Service (NPS) jurisdiction. While the District has many triangle parks that may seem like good locations for vending, if those parks are NPS-owned land, the District does not have authority to authorize vending on that land without the express consent of the NPS.

Second, we are unsure if the bill's intent is to eliminate individual vending spaces. It is unclear whether the sidewalk vending zone concept is meant to replace the current framework in which DLCP licenses individual vendors to vend at a specific location. It is important to clarify whether every vending space would be required to be a "vending zone" in order for individuals to vend. Currently, vendors are able to pick their exact preferred spot to DDOT to approve before DLCP can issue the vendor license. There needs to be clarity on whether the bill eliminates that framework, which has been widely used by vendors throughout the District for years, and whether the bill's intent is to only have vending zones rather than vending zones *and* spaces.

Third, we are concerned about the use of Square, Suffix, and Lot (SSLs) as the tool in determining how many vendors can fit in an allotted location. SSLs are used to identify specific plots of land, generally for property tax and ownership purposes; they are not used to judge whether a specific parcel of land is commensurate with sidewalk vending. For example, the bill designates the triangle park at 15th/16th and Irving Streets, NW as a location where a vending zone can be set

up with three sidewalk vendors able to operate inside its limits. But, if you go to that particular location, there is no real possibility that three vendors could fit in this zone without creating safety concerns. Vending locations should be established based on meeting individualized public space and safety criteria, not based on their SSLs.

Also, the definition of “vending space” (lines 127-129) is imprecise and unclear. For example, it states that a vending space includes a “public realm,” but this is an undefined term. Additionally, are these zones supposed to be housed in the boundaries, or limits, of the precise location in the SSL? Or are these zones allowed to bleed over into the sidewalks or portions that surround the SSL? This is something that must be addressed as DLCP sees the interpretation as subjective and confusing, which will lead to complaints and other potential issues.

Creation of Two New Licenses

Turning to the licensing scheme in the bill, it seeks to create two new license groups for the Department to administer and maintain: one license that can be held by an individual vendor and one that can be held by a non-profit organization or cooperative that would manage a group of vendors in a particular zone. But notably, line 64 of the bill says a person can be “registered with a sidewalk vending zone manager” in lieu of holding a basic business license for vending. In other words, an individual vendor would not be required to get a basic business license for vending or get a sidewalk vending zone individual license if they register with a sidewalk vending zone manager. We do not support this. The Department disagrees with the notion that any vendor should be allowed to be unlicensed, even if they register with a zone manager. There are very significant concerns with food and safety compliance, in addition to public space usage and tax compliance.

Sidewalk Vending Zone Manager

One of the newly created licenses would be a “sidewalk vending zone manager.” These licenses would be issued to D.C. non-profits familiar with the needs of the vendor population they seek to manage as well as vendor-organized cooperatives. Zone managers would be responsible for overseeing their respective sidewalk vending zones and, among other things, ensuring that individual vendors comply with the vending law and regulations. Unfortunately, DLCP foresees several issues and challenges with this concept.

First, the Department has concerns that the legislation does not explicitly create the infrastructure needed to hold the necessary people accountable. It seems that there is nothing in place that gives the vending zone manager the authority and ability to hold the individual vendors accountable for any violation. And the bill does not provide any mechanisms or system for DLCP to hold the vending zone managers accountable. The legislation does not address oversight of zone managers nor does it offer any remedies to individuals who have disputes with their managers. While the legislation indicates that managers may not charge administrative fees in excess of \$50, it does not seek to define or limit application fees, penalties, or other charges that these organizations may issue.

Furthermore, by allowing a zone manager to register an entire zone, the legislation effectively authorizes that manager to administer the zone as they see fit, without regard for what may be in the best interest of an individual vendor who wishes to operate within this zone. Furthermore, the legislation does not offer guidance for what happens to individual vendors when a zone manager steps down or does not comply with regulations.

Another concern is the potential that a zone manager becomes non-compliant and their license becomes revoked. What happens to the vendors registered with that manager: will they be

unable to vend if another suitable manager cannot be found? These are issues that need to be thought through and addressed.

I want to highlight the bill provision which states that a vending manager “[s]hall maintain an updated list of sidewalk vendors who they have registered” (line 83). How does DLCP ensure this is happening? There is nothing in the legislation that makes the vending manager report these updated lists to DLCP. This reporting requirement is important for the Department’s ability to provide efficient and effective oversight over these vending zones, managers, and individual vendors. Again, we reiterate the importance of each individual vendor being licensed by DLCP so the agency is not dependent on a third party to know who is vending and what is being sold in these vending zones.

Another concern is that the bill does not require vending zone managers to accept service of Notices of Infractions (NOIs) on behalf of the people that vend under their zone management. Ideally this could be done through electronic mail. This is a crucial addition as it will ensure that the vending zone managers will be served NOIs in quick fashion and come in line with the enforcement system that is currently being used. But to go even further, as stated above, we believe each individual vendor needs to be licensed and that NOIs should go to individual vendors to ensure accountability and can provide specific recommendations on this. It should also be noted that there may not be a non-profit or co-op that would want to come forward to bear this responsibility since the legislation only permits an administrative fee of \$50 and they will have to handle NOIs pertaining to other individual vendors.

Finally, the legislation states that an entity or co-op requesting a sidewalk vending zone manager license must hold “public liability insurance and agrees to cover all sidewalk vendors that have registered with the sidewalk vending zone manager” (lines 71-72). This particular provision

needs to be detailed more specifically in the legislation, as the term “public liability insurance” may be an outdated term. Based on our preliminary research, this type of coverage usually falls under comprehensive general liability insurance, and is included in a business owner’s policy documents. An insurance provider may not sell public liability separately from their general liability policies. The Department also would like to note that “product liability insurance” would specifically cover claims such as making a customer sick from food. This too may or may not be included in a general liability policy. All of these points are made to demonstrate that we believe this portion of the legislation needs to be revisited and expanded upon, unless the intent was for the Department to specify the details through rulemaking.

Amnesty Program

Turning now to the bill’s amnesty program for unpaid licensing-related civil citations, it appears that this amnesty program would only be available for people who obtain “a sidewalk vending zone manager license, a sidewalk vending zone individual license, or registers with a sidewalk vending zone manager” (lines 110-111). As stated previously, it is unclear in this bill whether sidewalk vending zones are completely replacing the current regulatory system or if they are in addition to the existing regulatory scheme. If it is the latter, and the amnesty program is only available for people that participate in the new sidewalk vending zone license framework, then this creates a situation where amnesty is only available for a specific subset of people, which raises fairness and equity issues.

An Alternative Approach

We believe there are alternatives to Bill 24-50 which should be discussed with vending stakeholders and community members. For example, the existing vending law and regulations authorize the creation of “vending development zones.” This allows the Mayor to “establish

vending development zones, upon application and after public notice, in which the Mayor may waive the regulatory provisions, such as the design standards, the standards for designation of vending locations, and the procedure for assigning vending locations, otherwise applicable to vendors; provided, that the Mayor shall establish, by rule, a procedure for reviewing applications for the establishment of a vending development zone.” The Department may establish vending development zones to “promote new and innovative vending practices.” We strongly support a deeper conversation with affected stakeholders on using the existing regulatory framework to achieve the bill’s intent.

Additionally, the Mayor’s Office on Latino Affairs has had several initial discussions on how to balance the needs of Columbia Heights vendors with the needs of the surrounding businesses and government regulations. We very much welcome further discussions with all affected stakeholders.

Conclusion

Chairman Mendelson and members of the Council, thank you for the opportunity to testify and provide feedback on Bill 24-49 and Bill 24-50. With that, I am happy to answer any questions you may have.

**Statement on behalf of the
American Civil Liberties Union of the District of Columbia
before the
D.C. Council Committee of the Whole
Hearing on
B24-49 – “Street Vending Decriminalization Amendment Act of 2021” and
B24-50 – “Sidewalk Vending Zones Amendment Act of 2021”
by
Ahoefa Ananouko, Policy Associate
November 16, 2022**

Hello Chairman Mendelson and members of the Council. My name is Ahoefa Ananouko and I am a Policy Associate at the American Civil Liberties Union of the District of Columbia (ACLU-DC). I present the following testimony on behalf of our more than 15,000 members and supporters across the District.

The ACLU-DC works to dismantle systemic racism and advocates for sensible, evidence-based public policy solutions that safeguard fundamental liberties and rights of District residents. The criminalization of unlicensed street vending in the District has resulted in police harassment, arrests, and violence against D.C. residents who are simply trying to provide for their families. Policing of street vending disproportionately targets and harms Black and brown district residents—who are already overpoliced. It contributes to these communities feeling unsafe, and makes undocumented D.C. residents susceptible to federal immigration enforcement, violating D.C.’s obligation as a self-proclaimed “sanctuary jurisdiction”.

The Council Should Pass B24-49

The ACLU-DC strongly supports Bill 24-49, the “Street Vending Decriminalization Amendment Act of 2021,” and we urge the Council to pass this measure as soon as possible. Passing B24-49 would be a significant step towards reducing police interactions with street vendors—ensuring that vendors can feel safe while pursuing their livelihoods without threats to their safety and wellbeing.

Under current District law, street vending is a misdemeanor crime punishable by a fine up to \$500, imprisonment of up to 90 days, or both.¹ B24-49 would remove these criminal penalties for vending without a license.

According to data from the D.C. Sentencing Commission, there were 463 arrests “illegal” vending, made up of 498 unique vending charges, between January of 2018 and September of this year. Seventy-eight percent (78%) of those charges were for vending without a license.² Additionally, most of these arrests

¹ D.C. Code § 37–131.08 (b). Available at <https://code.dccouncil.gov/us/dc/council/code/sections/37-131.08.html>.

² This information was obtained through a data request to the Sentencing Commission from Geoff Gilbert, Legal and Technical Assistance Director for Beloved Community Incubator.

resulted in a post-and-forfeiture, which means vendors were forced to give up hard-earned resources that they strongly depend on for survival.

Street vending is not, in and of itself, inherently dangerous and does not pose any immediate threats to public safety, therefore, it should not be considered a crime warranting criminal penalties. The current law puts street vendors at risk of harm by increasing hostile interactions with law enforcement. Criminalization takes away a sustainable means of income for street vendors and contributes to the continued erosion of trust in police, because the current law allows them to become agents of harm. Further, appropriating police resources to enforcing current street vending laws is not only misguided, but not the best use of those resources.

This carceral approach to street vending regulation disproportionately targets Black and brown district residents, who are most likely to suffer the long-term effects of police violence and a criminal record.³ Of the 463 vending-related arrests made between 2018 and September 2022, the majority (81%) were of Black individuals.⁴

There is acute risk of significant consequences for vendors who are immigrants and/or formerly incarcerated—individuals who tend to be shut out of formal forms of employment due to their status. As decades of experience and data continue to show, the collateral consequences of an arrest or conviction are far-reaching, including limited access to occupational licenses and other employment opportunities, housing, education, and social services.⁵

The increased chances of police interaction places undocumented vendors at heightened risk for negative immigration proceedings, even if they are not ultimately charged or convicted. This makes vendors with pending immigration status or proceedings susceptible to deportation. Just simply being arrested can trigger a response from federal immigration agencies such as ICE. Immigration court judges, who have wide discretion in immigration cases, could use a conviction for vending without a license to determine that a person should not be awarded immigration status. As a “Sanctuary City” D.C. should be doing everything in its power to protect its immigrant residents. And criminalizing street vending is contrary to that commitment, as it directly puts undocumented vendors in harm’s way.

Over the last few years, street vendors have come before the Council to testify and recount traumatizing stories of harm by police for no other reason than selling goods on the streets without a license. During the Judiciary Committee’s 2022 performance oversight hearing for the Metropolitan Police Department (MPD), street vendors from Vendedores Unidos/Vendors United, a D.C. street vendor co-op, testified about continuous harassment and intimidation from police. These witnesses include Genesis Lemus who recalled a 2019 experience she and her younger brother had with MPD officers while the two young people were selling snacks on the street. The encounter led to Lemus sustaining a knee injury.⁶

³ In the District, an estimated 95 percent of street vendors are Black and/or Latine.

⁴ *Id* note at 2.

⁵ See National Inventory of Collateral Consequences of Conviction. Available at <https://niccc.nationalreentryresourcecenter.org/consequences>.

⁶ In video footage of the incident, which was captured by a witness, three officers can be seen surrounding Genesis (15 years old at the time) who intervenes as officers try to grab her brother. A short moment later, Genesis is pushed to the

Another vendor, Tity Bangura, testified about being arrested and jailed on nearly a dozen occasions and the poor treatment she received during these instances. She described her personal items and money being taken and not returned, and not being provided food or water for days while in detention. Astonishingly, just moments before giving her testimony that very day, Bangura and the mother of Genesis were being harassed by police officers, who threatened to arrest them, after the two had a small skirmish over vending space.⁷

The experiences of Tity Bangura and the Lemus family are not unique. Many vendors report being repeatedly targeted and even being followed home by police officers. Vendors (including children) have also spoken out about verbal abuse and physical assault by law enforcement agents, police officers confiscating or throwing away their food or belongings in the trash, and threatening to separate children from their parents by reporting parents whose children also engage in street vending to Child and Family Services. These experiences not only instill fear in the vending community, and by extension the larger communities they live in, but engender distrust of law enforcement.

Recognizing the potential for these adverse impacts of policing street vending, the Criminal Code Reform Commission, which was created and tasked with conducting a comprehensive review and modernization of the District's criminal code, recommended that §37-131.08(b) of the D.C. Code be repealed (the same change proposed by B24-49).⁸ Additionally, the Police Reform Commission also recommended the Council decriminalize low-level offenses, including illegal vending.⁹

D.C. would not be the first jurisdiction pondering major changes to its street vending laws. In 2018, former California Governor Jerry Brown approved the "Safe Sidewalk Vending Act."¹⁰ The bill decriminalized street vending across the state, required that vendors only be cited with civil fines instead of criminal penalties (and requires adjudicators to consider a person's ability to pay), and that any criminal prosecutions related to street vending under local ordinances be dismissed. The bill recognized that "Sidewalk vending provides important entrepreneurship and economic development opportunities to low-income and immigrant communities; increases access to desired goods, such as culturally significant food and merchandise; contributes to a safe and dynamic public space; and that prohibiting criminal penalties for violations of sidewalk vending ordinances and regulations promote safety and welfare of the general public."¹¹

ground by one of the officers attempting to detain her. Doctors later confirmed that she had injured her knee, and potentially tore or strained a ligament. See Delgadillo, N. "After Police Confront Teen Selling Food On The Sidewalk, Activists Demand Protections For Street Vendors." DCist, November 21, 2019. Available at <https://dcist.com/story/19/11/21/after-police-confront-teen-selling-food-on-the-sidewalk-activist-demand-protections-for-street-vendors/>.

⁷ Castillo, A. "Police Hassle Street Vendor During MPD Hearing." Washington City Paper, February 18th, 2022. Available at <https://washingtoncitypaper.com/article/549304/police-hassle-street-vendor-during-council-testimony/>.

⁸ See page 325, Section 447 of B24-416, the "Revised Criminal Code Act of 2021." Introduced October 1, 2021. Available at <https://lims.dccouncil.gov/Legislation/B24-0416>.

⁹ See page 64 of the Police Reform Commission's Report, "Decentering Police to Improve Public Safety." Published April 1, 2021. Available at <https://dccouncil.gov/police-reform-commission-full-report/>.

¹⁰ CA Senate Bill 946. Available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB946.

¹¹ Id.

A few notable aspects of the California bill include barring cities and counties from banning vending in parks; prohibiting jurisdictions from determining where vendors can operate, unless there is a health, safety, or welfare concern; and not requiring street vendors to get permission from adjacent businesses to operate in an area.¹²

Efforts are also currently underway in New York to improve New York City's street vending infrastructure. Senate Bill S1175B would decriminalize street vending and change New York City laws to require the city to adopt a program that regulates street vending and stand up a civilian body to oversee regulation.¹³

Provisions in B24-50

The ACLU-DC also supports provisions in B24-50, the "Sidewalk Vending Zones Amendment Act of 2021," which would expand access to licensing for vendors, as the criminalization of street vending cannot be separated from its regulation. B24-50 would, among other things, "allow the Mayor to establish sidewalk vending zones for sidewalk vendors to legally operate ... and waive unpaid licensing-related civil citations for sidewalk vendors who obtain a sidewalk vending zone individual license or registers with a sidewalk vending zone manager."¹⁴ Unlicensed vending would still remain a civil infraction enforced by the Department of Consumer and Regulatory Affairs (DCRA).

While the two licenses give vendors additional avenues to be licensed, B24-50 does not appear to address the structural barriers that exist within the current licensing system, another critical issue vendors face.

Vendors and advocates describe the process for obtaining a vending license from DCRA as complex and inaccessible. Street vendors want to comply with District laws. However, the high cost of licensing and the complicated maze of rules that regulate sidewalk and street vending create a barrier to entry for most vendors. The upfront cost of obtaining a sidewalk vending license and other necessary permits is about \$2,000, while the annual fee for a site permit is \$600. Vendors are also required to pay \$375 in sales tax quarterly, regardless of whether they are vending or not. In addition, vendors can face infraction fines ranging from \$50 to \$16,000, depending on the class.¹⁵ DCRA can deny license or renewal applications of individuals who have been convicted of vending without a license, even if they have paid fines. This presents a challenge for vendors who would like to go through "the proper

¹² Holmes, M. "Selling Street Food in LA Will No Longer Be a Crime Starting in 2019." Eater Los Angeles, September 18, 2018. Available at <https://la.eater.com/2018/9/18/17874900/street-vending-governor-brown-bill-sb-946-los-angeles>.

¹³ New York Senate Bill S1175B has passed both the New York State Senate and Assembly. Available at <https://www.nysenate.gov/legislation/bills/2021/S1175>.

¹⁴ B24-49, the "Street Vending Decriminalization Amendment Act of 2021." Introduced January 28, 2021 by Councilmembers Nadeau, McDuffie, Gray, Allen, Bonds, Lewis George, Henderson, R. White, and Cheh. Available at <https://lms.dccouncil.gov/Legislation/B24-0049>.

¹⁵ D.C. Department of Consumer & Regulatory Affairs Vending Handbook, 2013 edition, pages 17-18. Available at <https://dlcp.dc.gov/service/vending-services>.

channels,” and gives DCRA enforcers and MPD officers justification for intimidating and hassling street vendors.

The current version of B24-50 does nothing to address the exorbitant fees which present a hurdle for a lot of vendors.

To address this, we encourage the Council to further examine DCRA’s regulatory licensing requirements for street vending, in order to reduce the burden of licensure on vendors. The Council should ensure that new policies governing street vending do not continue or create new obstacles for vendors. In that vein, we also recommend that the council follow the example of California by including a provision that requires consideration of a person’s ability to pay, when assessing fines.

As Councilmember Nadeau stated in her 2020 press release announcing B23-976¹⁶ (the predecessor to B24-50), “Unlicensed vending is not a public safety issue and our response should not be to send armed police officers to enforce these regulations...”¹⁷ Criminalizing street vending is not a solution and is, in fact, unjust and counterproductive. Continuing to have criminal penalties for street vending only further destabilizes families who have been disproportionately impacted by the covid-19 pandemic.

The changes made by Bills 24-49 and 24-50 would be significant actions towards protecting street vendors from serious outcomes like harm from police, incarceration, and the collateral consequences of a criminal record, such as inability to access other jobs, services, or even deportation.

Although the Revised Criminal Code Act has passed, including the provision decriminalizing street vending, it does not go into effect until 2025. We urge the Council to pass and implement bills 24-49 and 24-50 as soon as possible to protect the rights of vendors, whose lives are at direct risk of harm if implementation is delayed.

¹⁶ B23-976, the “Sidewalk Vending Zones Amendment Act of 2020.” Introduced October 15, 2020. Available at <https://lms.dccouncil.gov/Legislation/B23-0976>.

¹⁷ Press release from Office of Councilmember Brianne Nadeau. “Councilmember Brianne K. Nadeau Introduces Bill to Formalize the Sidewalk Vending Economy.” October 15, 2020. Available at <https://www.brianneknadeau.com/updates/press-release/councilmember-brianne-k-nadeau-introduces-bill-formalize-sidewalk-vending>

Dear Committee of the Whole and Council Chairman Phil Mendelson:

My name is Mackenzie Darling, and I am the current Law Fellow at HIPS. This testimony is meant to voice HIPS' support for the Street Vending Decriminalization Amendment Act of 2021 and to raise concerns we have regarding the implementation of the Sidewalk Vending Zones Amendment Act of 2021.

HIPS believes that those engaged in sex work, sex trade, and drug use should be able to live healthy, self-determined, and self-sufficient lives free from stigma, violence, criminalization, or oppression. To further this mission, HIPS is a member of the Excluded Workers Coalition, to advocate on the behalf of excluded workers in DC, including sex workers, domestic workers, day laborers, and street vendors. HIPS stands with street vendors as they demand the end of criminalization and policing of street vendors in the District.

Street Vending Within the District Should Not Be Criminal Offense.

HIPS urges this Council to decriminalize street vending without a license to ensure that people have the opportunity to work and provide for themselves and their families without fear of arrest, citations, or harassment from MPD officers. The criminalization of street vending without a license has been extremely harmful to street vendors. A report conducted by Beloved Community Incubator and student attorneys at American University Washington College of Law, found that street vendors faced continuous harassment from MPD officers, including assault, humiliation, property damage, and excessive ticketing.¹ The enforcement of criminal laws against street vending by MPD has resulted in officers fining vendors, arresting vendors, verbally attacking vendors, throwing away and destroying vendor's products, and officers physically assaulting vendors.² This Council can take a significant step to ending this harassment and violence by MPD by decriminalizing street vending and taking away MPD's unchecked authority over street vendors.

Further, the criminalization of street vending disproportionately harms Black and brown DC residents. Majority of D.C. street vendors are people of color, as street

¹ Beloved Community Incubator, *Where the Sidewalk Ends, Vendors United and their Efforts to Decriminalize Street Vending in Washington, DC*, <https://vendorsuniteddc.coop/docs/Where%20the%20Sidewalk%20Ends%20Full%20Report.pdf>.

² *Id.*

vending is a source of income accessible for people who are routinely pushed out of traditional employment and the formal economy, through employment discrimination.³

Further, criminalization of street vending carries collateral consequences that have extreme harmful effects on marginalized communities. Criminalization harms a person's ability to secure traditional employment, access government services, including public housing, and can put undocumented vendors at risk of deportation.⁴ These consequences disproportionately harm Black and brown vendors, who are more likely to be targets of discriminatory enforcement and harassment under the criminalization regime.⁵

Efforts to Reform Street Vending Regulation May Cause Significant Harm to the Most Marginalized of Street Vendors.

As experts on different models of decriminalization, we at HIPS wanted to highlight some concerns we have with the street vending zoning model being proposed in the Sidewalk Vending Zones Amendment Act of 2021. Although we recognize that this model is extremely more favorable than continued criminalization and policing of street vendors, the licensing and registration requirements proposed in this Act may work to effectively bar the most marginalized people from being able to street vend in accordance with the new law.

HIPS urges this Council to reconsider certain aspects of the Sidewalk Vending Zones Amendment Act of 2021. Learning from legalization versus decriminalization of sex work conversation, legalization of work under a regulatory regime often results in stringent work requirements and continued police enforcement of the regulations.⁶ As repeatedly documented in the report *Where the Sidewalk Ends, Vendors united and their Efforts to Decriminalize Street Vending in Washington, DC*, street vendors within the District are consistently and constantly facing over-policing through arrests and citations, as well as police harassment.⁷ By inviting police back into the equation

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ HIPS Policy Recommendations, *Sex Work Policies*, https://www.hips.org/uploads/6/2/2/9/62290383/hips_sexworkpolicies.pdf.

⁷ Beloved Community Incubator, *Where the Sidewalk Ends, Vendors United and their Efforts to Decriminalize Street Vending in Washington, DC*, <https://vendorsuniteddc.coop/docs/Where%20the%20Sidewalk%20Ends%20Full%20Report.pdf>.



www.hips.org

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Physical Address: 906 H Street NE, Washington, DC, 20002

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through the licensing and registration framework proposed in the Sidewalk Vending Zones Amendment Act of 2021, this Council will effectively negate the purpose of the Street Vending Decriminalization Amendment Act of 2021. We ask this Council to rethink the proposed regulatory regime proposed in the Sidewalk Vending Zones Amendment Act of 2021 and remove the more harmful and limiting provisions to ensure that all street vendors are able to work without fear of police harassment and civil penalties.

We also urge this Council to consider the costs that will be imposed on street vendors via the Sidewalk Vending Zones Amendment Act of 2021. This Act requires street vendors to be able to afford licensing and registration that may be prohibitive to the most vulnerable and marginalized street vendors. This act will require a street vendor to either register with a Sidewalk Vending Zone Manager, who will have the power under this act to charge the vendors annual fees and the authority to discontinue vendors registration. If a street vendor does not want to work for a zone manager, or cannot find a manager who will accept them, street vendors must then register for a basic business license, obtain public liability insurance, ensure their compliance with all governing health law and regulations, and pay fees to the Mayor's office.

The cost of the license, insurance, and fees will prevent many people who depend on street vending from being able to comply with these proposed regulations. We urge the Council to reconsider the prohibitive costs that will harm the same vendors this Council is trying to help through decriminalization. Although we commend this Council for wanting to amend the current antiquated vending rules and regulations that are currently in place, we urge you to reconsider enacting a new licensing regime that still carries such prohibitive costs. No one should be barred from street vending simply because they cannot afford the licensure and registration requirements proposed in this Act.

Although we have concerns about the creation and implementation of street vending zones and the unnecessary and costly licensing regime proposed in Sidewalk Vending Zones Amendment Act of 2021, we also wanted to voice our support for the provision of the bill that will forgive all unpaid licensing civil-citations from the past years. We urge the Council to extend this forgiveness for all unpaid licensing citations to all street vendors, and not just to vendors who will be able to afford a sidewalk zone manager license, a sidewalk vending zone individual license, or registration with a sidewalk vending zone manager.



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The decriminalization of street vending is a crucial step in protecting and respecting excluded workers in DC and we urge the DC Council to take this step by passing the Street Vending Decriminalization Amendment Act of 2021. We also urge this Council to reexamine how the licensing and regulatory proposed in the Sidewalk Vending Zones Amendment Act of 2021 may actively harm the most marginalized street vendors through prohibitive costs and unnecessary registration requirements. This Council has the opportunity to fight back against over policing and regulation of people within one of the most vulnerable populations in DC. We ask you to take a stand and support street vendors, and all excluded workers in DC, by decriminalizing street vending without enacting an inaccessible and limiting licensing and registration zoning scheme.

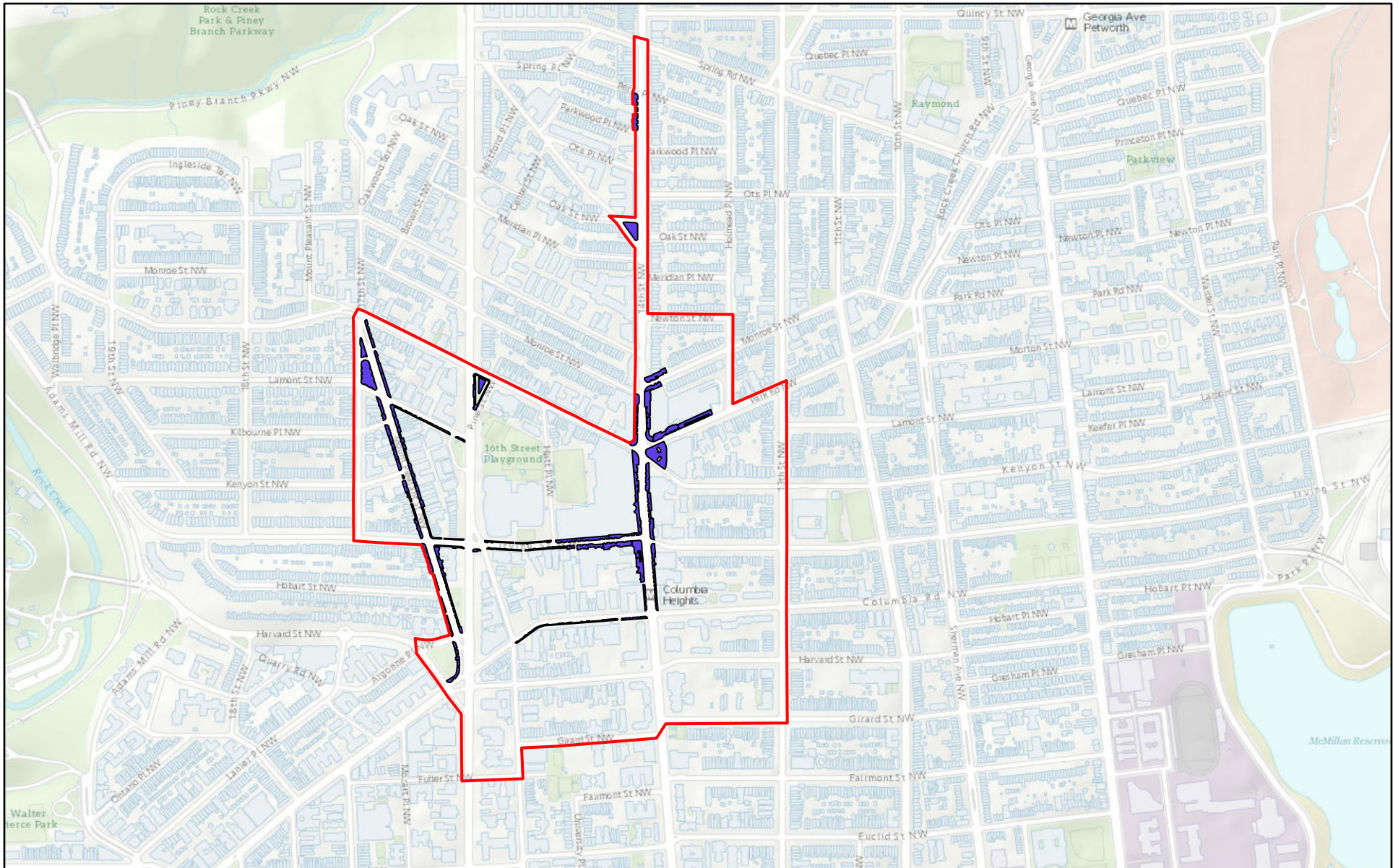
Thank you for your time and we hope that the DC Council will step up and support all excluded workers by passing the Street Vending Decriminalization Amendment Act of 2021.

Sincerely,

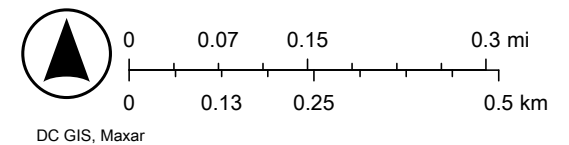
Mackenzie Darling

Maeve McKean Women's Law and Public Policy Fellow at HIPS

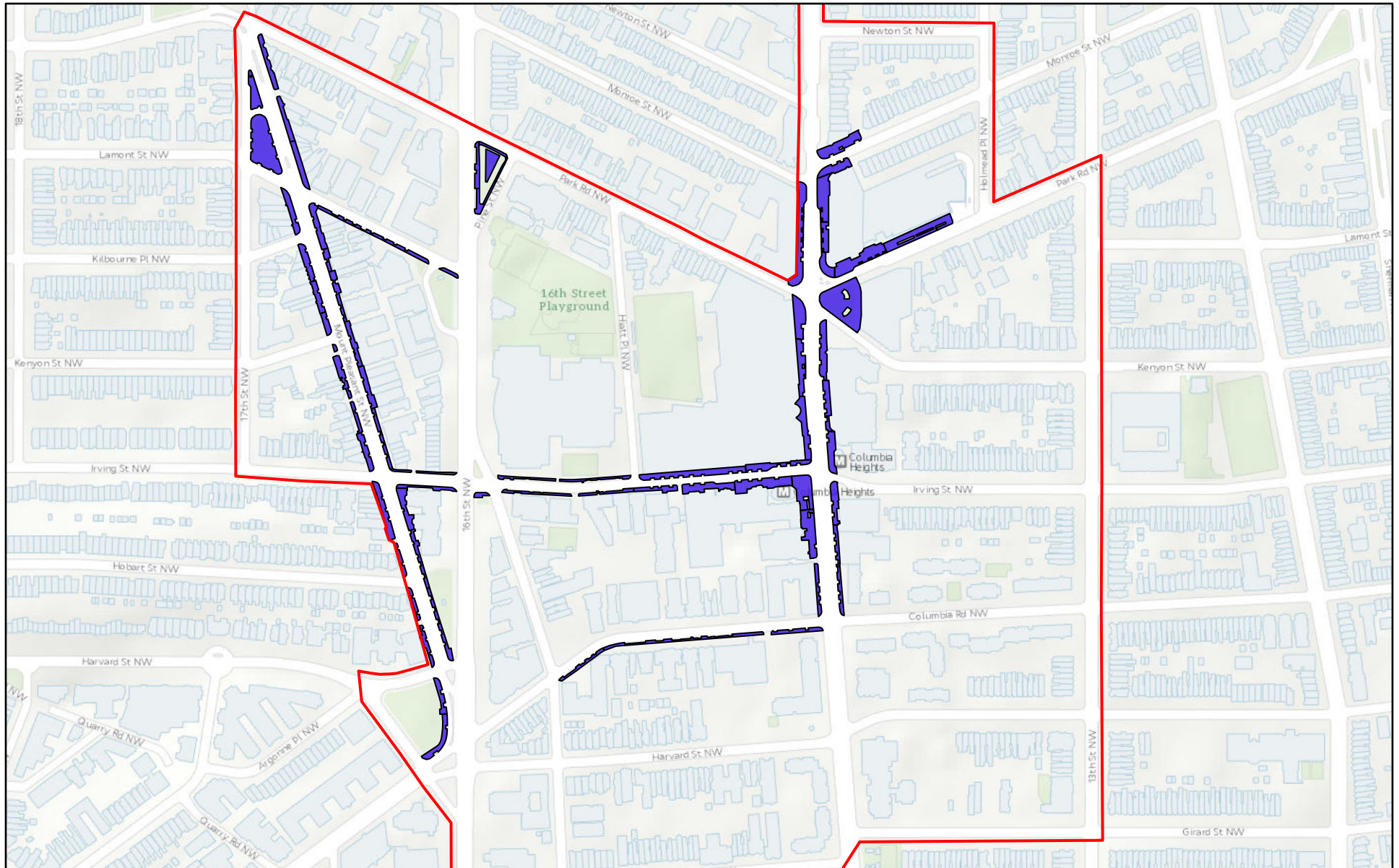
Columbia Heights-Mount Pleasant Sidewalk Vending Zone



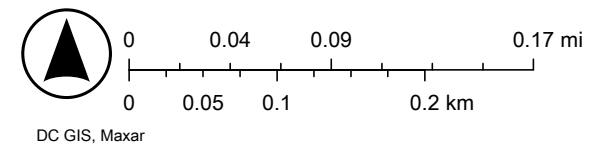
Note: The red outline is the boundary of the Columbia Heights-Mount Pleasant Sidewalk Vending Zone. The blue polygons are where sidewalk vendors within the zone may locate.



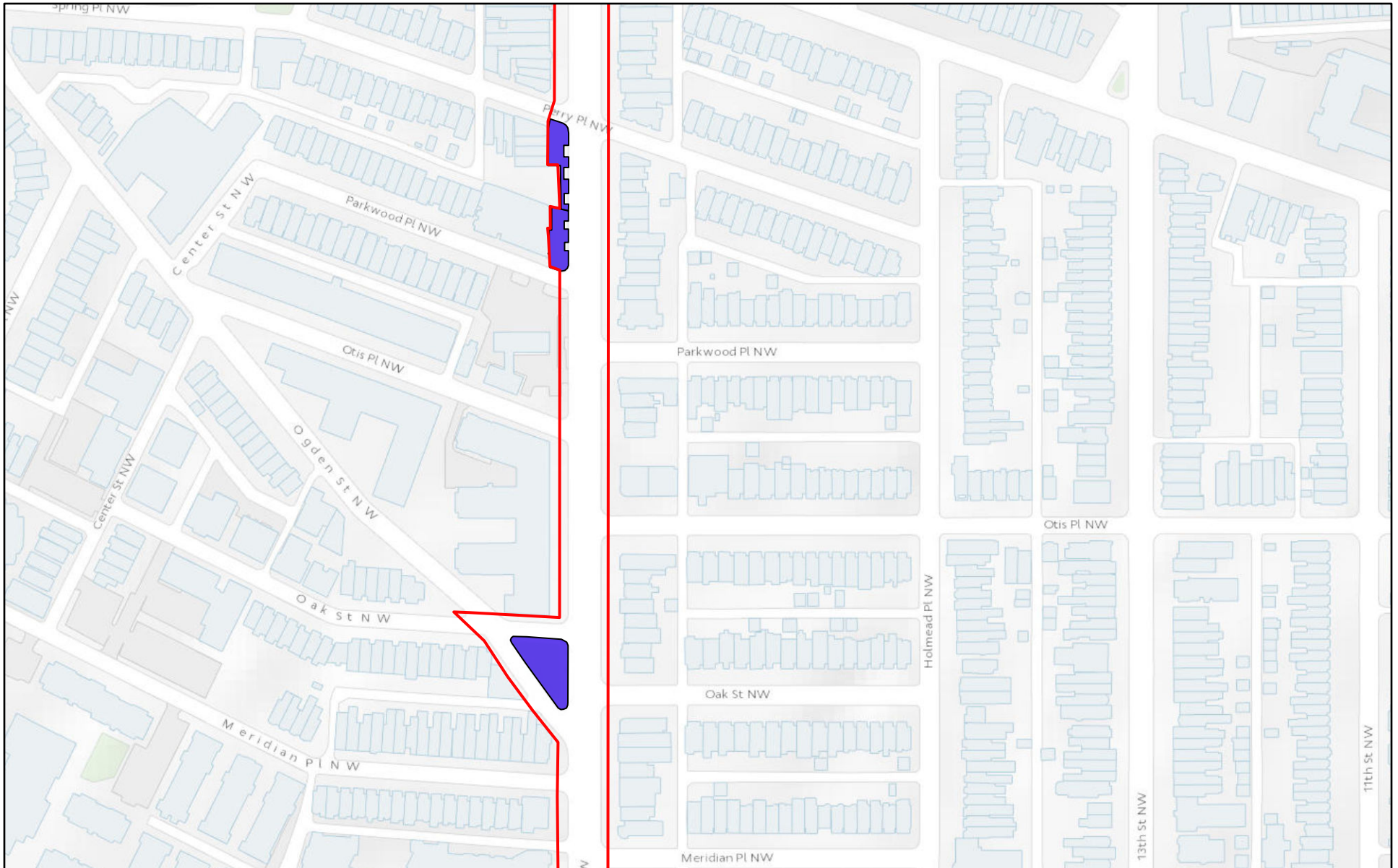
Columbia Heights-Mount Pleasant Sidewalk Vending Zone



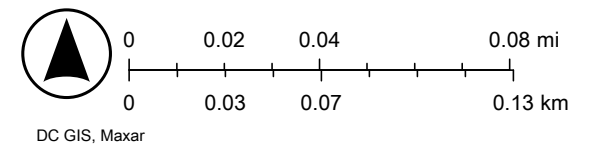
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The blue polygons are where sidewalk vendors within the zone may locate.



Columbia Heights-Mount Pleasant Sidewalk Vending Zone



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The blue polygons are where sidewalk vendors within the zone may locate.



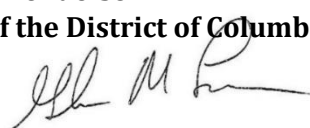
Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: March 7, 2023

SUBJECT: Fiscal Impact Statement – Street Vendor Advancement Amendment Act of 2023

REFERENCE: Bill 25-68, Draft Committee Print as provided to the Office of Revenue Analysis on March 2, 2023

Conclusion

Funds are not sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The bill's implementation will cost \$764,000 in fiscal year 2023 and approximately \$2.4 million over the four-year financial plan period.

Background

The District regulates street-based food sales through its cottage food regulations and mobile vending regulations. Cottage foods are a category of non-potentially hazardous foods specifically identified¹ by the Department of Health (DOH) that can be produced and packaged in a home kitchen and sold at places such as farmers' markets. Additionally, DOH works with the Department of Licensing and Consumer Protection (DLCP) to regulate mobile food vendors, such as food trucks and street vendors. This regulation includes reviews of food preparation and storage methods and overall vending cart or truck designs.

The bill makes some broad changes to cottage food regulations in the District and creates new opportunities for certain types of sidewalk vending.

¹ Approved Food Product List, effective December 29, 2017 (25 DCMR K103; 64 DCR 113555).

The bill expands the definition of cottage foods to include any food prepared, processed, or packaged by a cottage food business.² In expanding the definition, the bill eliminates the reference to the current DOH approved list of food products and prohibits uncooked or raw meat products and raw dairy products from being considered cottage foods. The bill also provides labeling guidance to vending cart operators that sell cottage foods that are difficult to label, package, or are not packaged. A vending cart operator selling cottage foods must include on a receipt, sign, or placard the same information³ that is required to be printed on pre-packaged cottage foods.

The bill creates a new opportunity for mobile vendors using a vending cart on sidewalks and gives the Mayor the ability to establish sidewalk vending zones throughout the District. The bill defines a vending cart as a wheeled, non-motorized, self-contained apparatus designed to be pulled by a vehicle or pushed by hand and operated on a sidewalk. The bill requires DOH and DLCP to issue regulations regarding vending cart designs, makes certain restrictions from regulation for certain types of vending carts, and requires DOH and DLCP to set up a process to approve submitted vendor cart designs. Specifically, the bill prohibits regulators from requiring freshwater tanks and food, ware, or handwashing sinks if the cart is selling uncut fruits and vegetables⁴ and potentially hazardous pre-packaged foods. The bill requires DOH to consider the types of food sold, the preparation and packaging locations, and whether existing requirements are appropriate when considering a submitted vendor cart design for approval. The bill also details the options for storage locations⁵ for a vending cart, the number of vending carts that can be stored at a particular location, and the requirements those facilities must meet to ensure safe storage of the vending cart and the safe preparation and disposal of food materials as needed.

The bill authorizes the Mayor to establish sidewalk vending zones⁶ across the District. The bill establishes the groups and organizations⁷ that can apply to the Mayor requesting a sidewalk vending zone be established. The bill requires the Mayor to contract with a District-based nonprofit organization⁸ to act as a sidewalk vending zone manager (manager) for each established sidewalk vending zone. The manager must submit, and have approved by DLCP, a vending site plan (plan) that diagrams the locations of vending carts,⁹ the owners of those carts, the cart dimensions, and allows vendors to alternate between locations within the zone. The manager must also maintain a list of the vendors in the zone, log daily oversight activities, develop dispute resolution procedures, provide technical support, and ensure all vendors comply with relevant laws and regulations.

² A cottage food business is defined as one located in a residential kitchen, that sells approved cottage foods, and has an appropriate DLCP occupancy license.

³ Cottage Food Amendment Act of 2013, effective January 25, 2014 (D.C. Law 20-63; D.C. Official Code § 7-742.02(c)(2)).

⁴ For vending carts that only sell non-potentially hazardous uncut fruits and vegetables, the bill also prohibits DOH and DLCP from requiring wastewater tanks.

⁵ Authorized locations include a vending depot, shared kitchen or support facility, existing brick and mortar food establishment, community center, or cottage food business.

⁶ The bill defines a sidewalk vending zone as a defined geographical area with three or more vending locations managed by a nonprofit sidewalk vending zone manager.

⁷ Groups include affected Advisory Neighborhood Commissions, an organization whose members are sidewalk vendors, relevant nonprofits, a citizens' association, or a business improvement district.

⁸ The bill outlines the necessary experience and other requirements for an organization to be eligible to act as a sidewalk vending zone manager.

⁹ The bill outlines prohibited locations, such as within certain distances of transit or public safety infrastructure.

The bill establishes the Columbia Heights-Mount Pleasant Sidewalk Vending Zone. The zone includes both sides of 14th Street, N.W. from Newton Street, N.W. to Spring Road, N.W.; the area bounded by 14th Street, N.W., Newton Street, N.W., Holmead Place, N.W., and Park Road, N.W.; and the area roughly bounded by 17th Street, N.W., Mount Pleasant Street, N.W., and Harvard Street, N.W. on the west, Park Road, N.W. on the north, 13th Street, N.W. on the east, and Fuller Street, N.W. and Girard Street, N.W. on the south. The bill also identifies specific locations within and adjacent to the zone that are eligible for the siting of sidewalk vending locations. Within those specific locations, the Mayor should work with the manager to locate vending carts that are compliant with broader sidewalk vending zone siting requirements. The bill requires the Mayor to issue an RFP within 60-days of the bill's effective date to contract with a manager for the Columbia Heights-Mount Pleasant Sidewalk Vending Zone. The Mayor must execute the contract within 120 days of the bill's effective date; however, if the contract is not executed, the bill allows sidewalk vendors to vend from the bill's designated vending areas.

The bill requires the Mayor to commission a study of the area in and around the Columbia Heights-Mount Pleasant Sidewalk Vending Zone. The study should identify areas around the zone for the storage and servicing of sidewalk vending carts, potential locations for public restrooms, capital improvements to improve vending, and a location for a potential indoor market. The study should include any costs to acquire or improve space related to any of these zone enhancements. The Mayor must issue the study within one year of the bill's effective date.

The bill also changes fees and amends requirements related to vending licenses. The bill prohibits DLCP from running or requiring the production of a criminal background check for any applicant for a basic business license, vending site permit, or any other licenses or permits required to vend from a sidewalk. The bill decreases the fees for a vendor's two-year vending business license from approximately \$476.30¹⁰ to \$99 and eliminates the basic business license endorsement that is required to vend on a sidewalk, street, or other public space. The bill also reduces the annual sidewalk vending site permit from \$600 to \$75, the annual mobile roadway vending site permit from \$300 to \$150, the monthly Nationals Park Vending Zone permit from \$125 to \$65, and the monthly stationary roadway vending permit from \$450 to \$225. The bill expands vendor Sunday through Thursday operating hours, which currently conclude at 10:00 p.m., until 12:00 a.m.¹¹ The bill eliminates criminal penalties for violations of vending laws and allows DLCP to issue Class 1 through 5 civil infractions¹² or verbal warnings prior to the issuance of a notice of violation. The bill requires any individual who is to receive a notice of violation to produce, upon request, reasonable identification stating the individual's true name and address.¹³

¹⁰ This fee varies based on the type of vendor. This fee is inclusive of the basic business license, food vendor endorsement, and other fees.

¹¹ The bill maintains the Friday and Saturday operating hours of 5:00 a.m. to 1:00 a.m. the next day and the limit in residential zones to 10:00 p.m. every day of the week.

¹² Title 16-32: Civil Infractions: Schedule of Fines.

¹³ The bill allows an enforcement officer, excluding a Metropolitan Police Department officer, to temporarily detain an individual who refuses to produce reasonable identification until the individual can be properly identified for the purposes of issuing a notice of violation.

The bill establishes an amnesty program for any street vendor¹⁴ who has delinquent fines¹⁵ or minimum sales tax¹⁶ payments that were due anytime from 2010 through the bill's effective date. The bill details the information a person must provide in its application to the Mayor to receive fine forgiveness. Vendors must apply and be approved for forgiveness within five years. The bill's language does not explicitly require the Office of Tax and Revenue to forgive delinquent tax, interest, and penalty amounts due.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The bill's implementation will cost \$764,000 in fiscal year 2023 and approximately \$2.4 million over the four-year financial plan period.

The bill's changes to the cottage food industry expand the foods that can be considered cottage foods from a DOH approved list to any food prepared, processed, or packed at a cottage food business, with limited exceptions. This definition increases the possibility that a cottage food business may produce and sell potentially hazardous foods, but to qualify as a cottage food, the food must still be processed in a residential kitchen and DOH still requires registration with the agency (including completion of a Certified Food Protection Manager Course). DOH also maintains the authority to inspect a cottage food business and can inspect a business in response to a complaint. DOH does not currently inspect cottage food businesses because it has the authority to restrict the types of foods that qualify. With the bill's new cottage food definition, DOH will need to inspect new cottage food businesses that seek to sell potentially hazardous foods or businesses that transfer from a mobile vending business into a cottage food business. The population of new or recategorized food businesses is unknown, but DOH will need at least one food inspector immediately to perform cottage food business inspections and a second inspector beginning in fiscal year 2025, as more businesses understand the new cottage food rules and consider conversions from traditional food vendors. The initial inspector will cost \$71,000 in fiscal year 2023 and the total cost of inspection employees will be \$442,000 over the four-year financial plan period.

The bill requires DOH and DLCP to issue regulations regarding sidewalk vendor cart designs and prohibits the agencies from including certain elements in those designs depending on the type of food being sold. Standards do not presently exist for vending carts, so DOH will need one program staff member to oversee the establishment of standards and to perform reviews of vending carts. The DOH staff member will cost \$98,000 in fiscal year 2023 and \$413,000 over the four-year financial plan period.

The bill authorizes the Mayor to establish sidewalk vending zones generally and requires the Mayor to establish the Columbia Heights-Mount Pleasant Sidewalk Vending Zone. The Mayor is currently authorized to implement vending development zones that have very similar characteristics to the bill's proposed sidewalk vending zones. DLCP will need to update regulations and guidance to ensure sidewalk vending opportunities are consistent with the bill's requirements. DLCP will also need to review and approve vending site plans submitted by managers and ensure compliance with those plans. DLCP requires one program staff member at a cost of \$109,000 in fiscal year 2023 and

¹⁴ The bill defines a street vendor as any vendor licensed to sell from a sidewalk, roadway, or other public space.

¹⁵ The amnesty applies to fines issued for any violation of vending laws.

¹⁶ D.C. Official Code § 47-2002.01.

\$458,000 over the four-year financial plan period to both work with DOH on program oversight and oversee the manager contracts and related activities. Current vending zones also do not require the Mayor to contract with a nonprofit to act as a manager for the sidewalk vending zones. The Mayor will need to contract for a manager for the Columbia Heights-Mount Pleasant Sidewalk Vending Zone at a cost of \$125,000 annually. DLCP is unable to absorb the cost of the manager within the agency's existing budgeted resources. DLCP does not currently have plans to establish any additional sidewalk vending zones, but if it does, the Mayor will need an additional \$125,000 annually for each new zone.

The bill requires the Mayor to conduct a study of the Columbia Heights-Mount Pleasant Sidewalk Vending Zone that explores enhancing vending opportunities and other amenities within the zone. The study will cost approximately \$125,000 and this cost cannot be absorbed within the District's existing budgeted resources.

The bill's changes to vending licensing fees will reduce annual fee revenue from sidewalk, mobile, and other street vendors. According to information provided by DLCP, there are approximately 160 vendors, including mobile and sidewalk vendors, that would pay reduced fees. The bill's changes will reduce fee revenue by approximately \$70,000 annually. These fees are deposited into the Vending Regulation Fund (Fund) and the lost revenues will impact DLCP's ability to support the programs funded through the Fund.

The bill creates an amnesty program for street vendor applicants who owe delinquent vending fines or minimum sales taxes to the District. The Mayor can waive delinquent vending fines, but this will reduce projected DLCP fine revenues by approximately \$307,000 in fiscal year 2023, which is the year delinquent payers are expected to come into compliance to receive their licenses. The bill's language does not explicitly authorize the Office of Tax and Revenue to waive delinquent taxes, penalties, and interest and therefore there is presently no cost associated with lost tax revenues. There would be a cost in the future if the language were updated.

Bill 25-68, Street Vendor Advancement Amendment Act of 2023 Implementation Costs Fiscal Year 2023 – Fiscal Year 2026 (\$ thousands)					
	FY 2023	FY 2024	FY 2025	FY 2026	Total
DOH Costs					
Cottage Food Inspectors ^a	\$71	\$74	\$147	\$150	\$442
Program Staff	\$98	\$101	\$105	\$108	\$413
Total DOH Costs	\$169	\$175	\$252	\$258	\$855
DLCP Costs					
Sidewalk Zone Program Staff	\$109	\$112	\$116	\$120	\$458
Inspector	\$109	\$112	\$116	\$120	\$458
Lost Licensing Revenues ^b	\$70	\$70	\$70	\$70	\$280
Total DLCP Costs	\$288	\$294	\$302	\$310	\$1,196
Amnesty Program ^c	\$307	\$0	\$0	\$0	\$307
TOTAL BILL COSTS	\$764	\$469	\$554	\$568	\$2,358

Table Notes

^a Includes DOH hiring one inspector in fiscal year 2023 and one in fiscal year 2025.

^b Includes lost revenues for all the bill's reduced fees and accounts for some vendors transitioning from standard food vending licenses through DOH to less expensive cottage food certificates.

^c The amnesty program only accounts for lost revenues at DLCP and not OTR at this time.



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 4
Washington, DC 20004
(202) 724-8026

MEMORANDUM

TO: Chairman Phil Mendelson

FROM: Nicole L. Streeter, General Counsel *NLS*

DATE: March 7, 2023

RE: Legal sufficiency determination for Bill 25-68 the Street Vendor Advancement Amendment Act of 2023

The measure is legally and technically sufficient for Council consideration.

The proposed bill would amend Part C of the Department of Health Functions Clarification Act of 2001, effective January 25, 2014 (D.C. Law 20-63; D.C. Official Code § 7-742.01 *et seq.*), to redefine the term “cottage food product” and revise the packaging and labeling requirements for food produced by cottage food businesses.

The proposed bill also would amend the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; D.C. Official Code § 37-131.01 *et seq.*), as follows:

- Repeals existing provisions providing for the issuance of basic business license endorsements to vend food, vend merchandise, or engage in street photography.
- Establishes hours during which vendors may operate.
- Requires that no applicant for a basic business license, vending site permit, or other license or permit required to vend from a sidewalk, roadway, or other public place shall be required to undergo a criminal background check or provide a certified copy of a criminal history report to any agency.
- Provides for the Department of Licensing and Consumer Protection (“DLCP”) to promulgate rules regarding food vending cart and vehicle designs, subject to certain restrictions.
- Provides for DLCP, in consultation with the Department of Health, to establish a process through which businesses, community-based

organizations, and vendors can submit food vending cart designs and specifications for approval by DCLP, subject to certain required considerations, and provided that DCLP undertake certain measures in the event it denies or approves a proposed design.

- Sets forth the locations in which food vending carts may be serviced and stored.
- Establishes requirements for certain institutions with respect to supporting the service and storage of food vending carts.
- Establishes fees for vending licenses and permits and provides for those fees to be revised by the Mayor pursuant to rulemaking.
- Designates certain violations as civil infractions, authorizes the Mayor to issue a verbal or written warning to the violator in lieu of a notice of infraction for non-Class 1 infractions, requires a person who commits a Class 1 infraction in the presence of an enforcement officer to furnish identification, and requires the Mayor to issue a revised schedule of civil penalties.
- Authorizes the Mayor to establish sidewalk vending zones through rulemaking and establishes minimum requirements for such zones, provides for certain persons to request that the Mayor establish a sidewalk vending zone, establish vending spaces within a zone, or change vending spaces within a zone, provides for a sidewalk vending zone to be supervised by a manager, and requires a sidewalk vending zone manager to undertake certain responsibilities.
- Establishes the Columbia Heights-Mount Pleasant Sidewalk Vending Zone, demarcates its boundaries, sets forth the locations within it where vending may occur, allows for the Mayor to add additional locations where vending may occur, and requires the Mayor to contract for a manager for the Zone.
- Establishes an amnesty program for a person applying to be a street vendor who is liable for certain delinquent fines and sales tax payments.
- Requires the Mayor to commission a study of particular subject matters relating to the Columbia Heights-Mount Pleasant Sidewalk Vending Zone.

I am available if you have any questions.



BILL 25-0068

**RACIAL EQUITY IMPACT ASSESSMENT
STREET VENDOR ADVANCEMENT AMENDMENT
ACT OF 2023**

TO: The Honorable Phil Mendelson, Chairman, Council of the District of Columbia
FROM: Namita Mody, Director, Council Office of Racial Equity
DATE: March 7, 2023

COMMITTEE

Committee of the Whole

BILL SUMMARY

Bill 25-0068 changes the laws around sidewalk vending licensing, licensing enforcement, and vendor business operations. In addition, the bill establishes the Columbia Heights-Mount Pleasant Sidewalk Vending Zone, a process for establishing other sidewalk vending zones, and an amnesty program to forgive vending-related fines.

CONCLUSIONS

- Bill 25-0068's elimination of the criminal background check from the vendor licensing process will likely make progress toward racial equity in the District of Columbia.
- Reducing vendor licensing fees will likely improve employment and economic outcomes for Black, Indigenous, Latine, and other street vendors of color.
- Bill 25-0068's decriminalization of street vending violations will likely make progress toward racial equity in the District of Columbia.
- Expanding the definition of cottage food products and changing the design and storage requirements for food carts will likely improve economic and employment outcomes for Black, Indigenous, Latine, and other residents of color.
- Bill 25-0068's establishment of the Columbia Heights-Mount Pleasant Sidewalk Vending Zone, setting up a process for creating additional zones, and contracting sidewalk vending zone managers will likely improve economic, employment, and legal outcomes for Black, Indigenous, Latine, and other vendors of color.
- Forgiving fines, taxes, and interest owed to the District Government will likely improve economic and employment outcomes for Black, Indigenous, Latine, and other vendors of color.

FURTHER CONSIDERATIONS

- While Bill 25-0068 reduces many fees associated with business licenses, flat fines and fees are regressive—imposing a higher burden on the District's residents of color than white residents.
- The system to vend around high traffic areas may be exclusionary to some street vendors, concentrating opportunity among those who can pay for it.
- While this bill is an important step, there are many other barriers that Black, Indigenous, Latine, and other vendors of color face when seeking to start a business.
- It is unclear if there is data on the barriers faced by different racial groups in the licensing process.
- While decriminalization of unlicensed vending may reduce police interactions with vendors, it is not clear that it—or other government enforcement behavior—will be fully improved.

- Bill 25-0068 maintains civil fines for vending law violations and does not utilize a “fix-not-fine” approach to law and regulation enforcement.
- Bill 25-0068 does not 1) state what would happen if someone suspected of violating a vending law does not provide their true name, address, and ID or 2) account for vendors experiencing homelessness.
- While the Columbia Heights-Mount Pleasant Sidewalk Vending Zone study will examine critical avenues to support area vendors, the bill does not include a next step after the study is conducted.
- While the amnesty program profoundly assists vendors who are currently blocked from obtaining a license, future vendors will likely face the same challenge.
- DC Government should consider testing the amnesty application form with sidewalk vendors.

Content Warning: The document you are about to read is a Racial Equity Impact Assessment, a careful and organized examination of how Bill 25-0068 will affect different racial and ethnic groups. We hope that this assessment sparks a conversation that is brave, empathetic, thoughtful, and open-minded.

The following content touches on enslavement, racism, employment discrimination, the racial wealth gap, the racial income gap, police harassment, police brutality, food insecurity, housing insecurity, fleeing violence, interactions with immigration authorities, COVID-19, financial debt, incarceration, and the criminal legal system. Some or all of these issues may trigger a strong emotional response. We encourage you to use this knowledge in the way that is most helpful to you.

Formatting Note: This REIA’s format differs slightly from CORE’s usual format because of the bill’s length and substance. This REIA will begin with an overview of relevant terms, background content, and a bill summary. Next, the REIA is organized into five sections, one for each distinct part of the bill. Each section will include a plain language explanation of that part of the bill, additional background if needed, related racial equity impacts, and where relevant, further considerations.

BACKGROUND

FIGURE A Relevant Terms for Bill 25-0068

TERM	DEFINITION
COTTAGE FOOD BUSINESS	a business that produces or packages cottage food products in a residential kitchen, sells those products according to cottage food-related laws and regulations, and holds a home occupancy permit (source)
COTTAGE FOOD PRODUCT	food that is prepared, processed, or packaged in a cottage food business and sold directly to consumers, including through direct, retail, and online sales, within the District of Columbia (Raw dairy products and uncooked meat products are not included in this definition—they must be processed, packaged, and sold according to federal regulations.)
POTENTIALLY HAZARDOUS FOOD	any food that requires time or temperature controls to prevent the growth of harmful bacteria (source)
NON-POTENTIALLY HAZARDOUS FOOD	any food that doesn't require time or temperature controls to prevent the growth of harmful bacteria (like bread, jams, jellies, candy, spices, etc.) (source)
PUBLIC MARKET	a vending operation in public space set aside and permitted on a regular basis for the sale of goods, merchandise, or services provided onsite—like a farmers' market, flea market, or antique market
SIDEWALK VENDING ZONE	a geographically defined area with three or more locations where a person may sell items
SIDEWALK VENDING ZONE MANAGER	a nonprofit organization headquartered in DC that oversees sidewalk vendors operating within a sidewalk vending zone
SIDEWALK VENDOR	a person who engages in business while occupying a portion of public space, excluding a roadway
STREET VENDOR	a person licensed to vend from a sidewalk, roadway, or other public space ¹
VENDING CART	a wheeled, non-motorized, self-contained apparatus designed to be pulled by a vehicle or pushed by hand, designed to be operated from a sidewalk vending location, and from which food, products, merchandise, or services are meant to be sold (also referred to as a “food cart” in this Racial Equity Impact Assessment)
VENDING LOCATIONS	specific locations designated by the Mayor on sidewalks, roadways, and other public space at which a person may sell goods
VENDING SITE PERMIT	a permit or other authorization issued by the Mayor for a vending location

Source: Committee Print for 24-0068, unless noted differently.

¹ “Sidewalk vendor” and “street vendor” are used interchangeably throughout this Racial Equity Impact Assessment.

Bill Summary

At a high level, Bill 25-0068 changes the laws around street vending. Its content can be organized into the following sections:²

- 1) vendor licensing and fees
- 2) licensing enforcement
- 3) vendor business operations
- 4) sidewalk vending zones
- 5) an amnesty program (forgiving the vending fines people owe).

Demographics of Sidewalk Vendors

Statistics on the racial demographics of sidewalk vendors are somewhat difficult to pinpoint, likely due to the nature of the work, and the difficulty of surveying people who may be undocumented and/or speak languages other than English. However, a study of licensed sidewalk vendors in large U.S. cities found that about 2 out of 3 vendors are people of color and about one-third are Hispanic.”³ A 2021 report on New York vendors noted that the city’s vendor workforce “is disproportionately immigrant, Black, Latinx, and/or undocumented, and likely to live in poverty.”⁴

“Today, an overwhelming majority of street vendors in DC are Latine, Indigenous, and/or Black,” assessed the Beloved Community Incubator, “a worker self-directed non-profit.”^{5,6} Joseph Pileri’s 2021 article on street vending further elaborated,

[Columbia Heights and Mount Pleasant] are home to much of the DC’s Central American population, and many of the vendors came to DC fleeing violence and unrest in El Salvador in the 1980s and 1990. They are primarily Spanish-speaking and are of mixed immigration status, with some being undocumented, others having Temporary Protected Status, and still others naturalized citizens. These neighborhoods have also been a magnet for more

HISTORY OF STREET VENDING

As written by the Beloved Community Incubator in:

Where the Sidewalk Ends Part II: A Vision for Decriminalizing and Investing in DC Street Vendors

“In the early 1800s, street vending was a literal path to freedom for enslaved and free African Americans who sold food in downtown DC in order to purchase their own freedom and the freedom of their families and friends. Alethia Browning Tanner ran a produce stand near today’s Lafayette Square - by 1810, she had saved more than \$1,400 (\$28,000 in 21st century dollars) to buy her freedom through a white intermediary.

Over the next three decades, Alethia Browning Tanner earned enough vending income to buy the freedom of twenty five more people, including her sixteen year old nephew John Cook. Alethia Brown Tanner’s sister, Sophia Browning Bell, sold produce from her small garden plot in order to raise the funds to purchase the freedom of her husband, George Bell, and their two sons.”

For more on race and the history of street vending, see [Stacy M. Brown’s article on Alethia Tanner](#), the Committee Report on the bill (forthcoming), Joseph Pileri’s article, “[Who Gets to Make a Living? Street Vending in America](#),” and Regina Austin’s article, “[A Honest Living’: Street Vendors, Municipal Regulation, and the Black Public Sphere](#).”

² This section organization differs from how the bill is organized for the purposes of analysis.

³ Carpenter, Dick M. “[Upwardly Mobile: Street Vending and the American Dream](#).” Institute for Justice, September 2015.

⁴ WIEGO (Women in Informal Employment: Globalizing and Organizing), Urban Justice Center, and Street Vendor Project. “[COVID-19 Crisis and the Informal Economy: Street Vendors in New York City, USA](#),” January 2021. We use the term “Latinx” to stay true to the source.

⁵ Vendedores Unidos (Vendors United) and Beloved Community Incubator. “[Where the Sidewalk Ends - Part II](#).” We use the term “Latine” to stay true to the source. For more on the term “Latine,” please see [Merriam-Webster](#). We have also opted to use the term “Latine” throughout this Racial Equity Impact Assessment when not quoting a specific source.

⁶ The organization states that they have “organized with hundreds of street vendors in DC for more than four years [and] during this time...have met one person vending on the street who is white.”

recent immigrants from El Salvador, Guatemala, and Honduras; some of these more recent arrivals vend as well.⁷

Street Vending as a Lifeline

As Dennis Corkery of the Washington Lawyers' Committee for Civil Rights and Urban Affairs shared in their⁸ testimony, “street vending is an economic lifeline for many District residents of color who are cut off from traditional jobs.”⁹ They further explain:

Immigrants without status can struggle to find an income because they are cut off from jobs elsewhere. Even those who have work authorization can face difficulty in finding good paying jobs near where they live... Street vending does not have a citizenship test and can be a chance to earn a living. For individuals who have completed their criminal sentences finding work can be just as difficult. According to a report from the United States Commission on Civil Rights, a person with a criminal record is fifty percent less likely to receive a call back for an interview or job offer—a figure that increases to sixty percent if the applicant is Black.¹⁰

In this context, it is critical to note the District nearly universally incarcerates Black residents.¹¹ This overrepresentation is a result of oversurveillance, overpolicing, targeted laws, concentrated poverty, divestment in Black communities, and countless other choices made by the federal and District government.

Sidewalk Vendors, Culture, and Community

As described above, many sidewalk vendors are immigrants—bringing their traditions, recipes, spices, and foods to the streets of DC. In bringing their culture to DC, they also *create* DC's culture. Genesis Lemus, a fourth-generation street vendor, shared that she “love[s] to street vend and share my culture with the community.”¹² Neighbors like ANC Commissioner Mukta Ghorpadey note that “street vendors are sharing their food and culture every day and are an unmovable piece of Columbia Heights' vibrancy.”¹³

In addition to bringing and creating such rich culture to the District, street vendors support the community. Some vendors sell food on credit, “allowing people in need of food to pay when they can,”¹⁴ and others “help add foot traffic, provide free food to our unhoused neighbors, and help deescalate disputes that occur

⁷ Pileri, Joseph. “[Who Gets to Make A Living? Street Vending In America](#).” *Georgetown Immigration Law Journal*. 2021. CORE notes that these sources are helpful assessments of the racial demographics of street vendors in DC. However, it is unclear if vendors were asked to self-identify their race or if the data was collected another way.

⁸ CORE will use the gender neutral pronoun “they/their/theirs” when relevant to avoid misgendering.

⁹ Corkery, Dennis A. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

¹⁰ Ibid. See also: “[Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities](#).” U.S. Commission on Civil Rights, June 2019.

¹¹ Department of Youth Rehabilitation Services. “[Youth Population Snapshot](#),” July 25, 2022., DC Department of Corrections. “[DC Department of Corrections Facts and Figures - January 2023](#),” February 2, 2023., Council for Court Excellence. “[Analysis of BOP Data Snapshot from July 4, 2020 for the District Task Force on Jails & Justice](#),” September 30, 2020.

¹² Lemus, Genesis. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

¹³ Ghorpadey, Mukta. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

¹⁴ Diaz, Eloisa. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

on the street.”¹⁵ Other food vendors in the District, like Eloisa Diaz and Angela Salazar and her family, give their food, time, and energy to mutual aid efforts “feed[ing] thousands of families experiencing deep food insecurity in Ward 1 and beyond.”¹⁶

SECTION 1: VENDOR LICENSING AND FEES

The following content describes Bill 25-0068 in plain language for the purposes of discussion. This explanation is not a substitute for the bill, or if passed, the law.

Vendors are required to have a basic business license to vend. However, this bill removes the requirement for an “endorsement” (an additional, more specific type of license).

Bill 25-0068 also ensures that basic business license applicants, vending site permit applicants, or other related license/permit applicants cannot be required to undergo a criminal background check or provide a criminal history report to any agency at any time in the application process.

The bill also updates the cost of some of the vending-related fees (see Figure B). However, the Mayor can change the fees when writing the bill’s regulations.

Background

The current vending licensing process in the District is incredibly complex and burdensome. It requires, at the least, working with the DC Department of Licensing and Consumer Protection, the Internal Revenue Service, the DC Office of Tax and Revenue, the DC Office of Zoning, and obtaining and submitting a criminal history report.¹⁷ If food is being sold, the process also requires completion of a food protection management course through a private provider and a certificate from DC Health.¹⁸ If propane is being used, the process requires going to the DC Fire and Emergency Services Department.¹⁹

These logistics are further complicated because “many vendors do not speak English, do not read in any language and are not able to navigate without support the many bureaucratic steps of applying for a vending license,”²⁰ shared Yannik Omictin of Beloved Community Incubator.

“Street vending is...nearly impossible to do while in compliance with the District’s overly complicated and expensive regulatory scheme,”²¹ summarized Dennis Corkery at the bill’s hearing.

Racial Equity Impacts

Bill 25-0068’s elimination of the criminal background check from the vendor licensing process will likely make progress toward racial equity in the District of Columbia.

¹⁵ Payne, John. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

¹⁶ Salazar, Angela. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

¹⁷ Levinson-Waldman, Ariel. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Yannik Omictin. Letter to Chairman Mendelson. “Responses to Witness Questions during Committee of the Whole Hearing on Bills 24-0049 and 24-0050,” n.d.

²¹ Corkery, Dennis A. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

About 1 in 7 adult District residents (68,000 people) have a criminal record, according to Urban Institute.²² Of those, only half have actually been convicted of a crime.²³

As previously mentioned, the District nearly universally incarcerates Black residents.²⁴ While about 47 percent of District residents are Black, 86 percent of people arrested by the Metropolitan Police Department and 95 percent of people sentenced to prison are Black.²⁵ This overrepresentation is a result of oversurveillance, overpolicing, targeted laws, concentrated poverty, divestment in Black communities, and countless other choices made by the federal and District government.

A criminal record and its impacts reach beyond the criminal legal system—a criminal record affects employment, housing, and education. In turn, these effects have long-lasting impacts on economic outcomes, health, and the overall well-being of not just the individual, but their family and community. In other words, a criminal record keeps people from fully participating in and rejoining society.²⁶

Bill 25-0068 eliminates a barrier to sidewalk vending and acquiring a basic business license in the District.²⁷ Too often, this barrier—a criminal background check—adds another obstacle to the structural racism excluding Black residents from many economic and employment opportunities.

Reducing vendor licensing fees will likely improve employment and economic outcomes for Black, Indigenous, Latine, and other street vendors of color.

There are fees associated with many of the licensing steps described above, in addition to the financial investments that a vendor must make in their goods and other vending necessities, like carts. High fees and other costs create a financial barrier to obtaining or maintaining a business license and related permits, a barrier which disproportionately affects Black, Indigenous, Latine, and other residents of color.

As vendor Maricela Silva testified, “it is very difficult and expensive to be a vendor. It is cost prohibitive. A license is so expensive that I could never afford it and it feels not even worth the cost to try.”²⁸

Currently, the Committee of the Whole estimates that it would cost a vendor between about \$17,500 and \$24,800 for two years’ worth of licenses, permits, and equipment.²⁹ Just the licenses and permits would cost over \$5,000 for two years. Bill 25-0068 dramatically reduces many of the required fees associated with sidewalk vending in the District (Figure B). For example, the bill reduces the fee for a yearly vending site permit from \$600 to \$75.

²² Duane, Mariana, Emily Reimal, and Matthew Lynch. “[Criminal Background Checks and Access to Jobs: A Case Study of Washington, DC](#).” Washington, DC: Urban Institute, June 27, 2017.

²³ Ibid.

²⁴ Department of Youth Rehabilitation Services. “[Youth Population Snapshot](#),” July 25, 2022., DC Department of Corrections. “[DC Department of Corrections Facts and Figures - January 2023](#),” February 2, 2023., Council for Court Excellence. “[Analysis of BOP Data Snapshot from July 4, 2020 for the District Task Force on Jails & Justice](#),” September 30, 2020.

²⁵ Duane, Mariana, Emily Reimal, and Matthew Lynch. “[Criminal Background Checks and Access to Jobs: A Case Study of Washington, DC](#).” Washington, DC: Urban Institute, June 27, 2017. Note: not all people arrested by MPD or sentenced to prison in the District are District residents.

²⁶ Chien, Colleen. “[America’s Paper Prisons: The Second Chance Gap](#).” Michigan Law Review 119, no. 3 (January 1, 2020): 519–612.

²⁷ For more on the impact of a criminal legal history, see [CORE’s REIA on Bill 24-0063](#), the “Second Chance Amendment Act of 2022.”

²⁸ Silva, Maricela. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

²⁹ Chairman Phil Mendelson. “Report on Bill 25-68.” Committee Report. Council of the District of Columbia, forthcoming.

FIGURE B Example Vending Related Fees: Costs and Frequency

ITEM		FREQUENCY	CURRENT FEE	IF B25-0068 PASSES	CHANGE
BASIC BUSINESS LICENSE³⁰		every other year	\$99	\$99	--
MINIMUM SALES TAX OWED		per quarter	\$375	\$375	--
VENDING SITE PERMITS	GENERAL	yearly	\$600	\$75	↓
	MOBILE ROADWAY (for food truck vendors, merchandise vendors who vend from vehicles, etc.)	yearly	\$300	\$150	↓
	NATIONALS PARK ZONE	monthly, by lottery	\$125	\$65	↓
	STATIONARY ROADWAY (for food truck vendors around the National Mall and the Ellipse)	monthly, by lottery	\$450	\$225	↓

Reducing fees decreases the initial costs of starting a street vending business, which is critically important from a racial equity perspective due to large racial inequities in wealth, income, and access to capital. In DC, the median Black household has \$3,500 in wealth,³¹ the median Latino³² family has \$13,000 in wealth, and the median white household has roughly \$285,000.^{33,34}

The differences in median income are more varied across race: median Black and median American Indian/Alaskan Native households each earn roughly \$50,000 per year, the median Hispanic/Latino household earns \$93,846, and the median white household earns \$160,914.³⁵ These racial inequities are the result of the relentless denial of education, employment, income, and wealth-building opportunities to Black, Indigenous, Latine, and other residents of color.³⁶

Further Considerations

While Bill 25-0068 reduces many fees associated with business licenses, flat fines and fees are regressive—imposing a higher burden on the District’s residents of color than the District’s white residents. Because the fines and fees are roughly the same for everyone,³⁷ lower-revenue businesses (which are more likely owned by people of color) and people with lower incomes (who are more likely people of color) will pay proportionally more than larger businesses and people with higher incomes will pay.

³⁰ A 6-month basic business license can be purchased for \$49.

³¹ Note that this source reports the net worth of both US Black households and African Black households. The reported median net worth of each household group is \$3,500 and \$3,000 respectively. Unfortunately, this source does not report the median net worth of Indigenous households in DC.

³² CORE uses the term “Latino” in this instance to stay true to the source.

³³ Kijakazi, Kilolo, Rachel Marie Brooks Atkins, Mark Paul, Anne Price, Darrick Hamilton, and William A. Darity Jr. “[The Color of Wealth in the Nation’s Capital](#),” Urban Institute, October 31, 2016.

³⁴ For more on the racial wealth gap, see [The Racial Wealth Gap in Washington, D.C.](#), by the MITRE Corporation and the Council Office of Racial Equity.

³⁵ DC Health Matters. “[District of Columbia :: Households/Income](#),” March 2022.

³⁶ D.C. Policy Center. “[DC Racial Equity Profile](#),” Council Office of Racial Equity, 2021.

³⁷ Applicants earning under \$10,000 per year do not have to pay for a basic business license and other licensing fees.

This point was highlighted by Juliana Cardona Mejia (founder of the nonprofit Street Entrepreneurs) in their public testimony for a different bill last year: “why does a multimillion-dollar company like Clark Construction pay the same dollar amount in business license renewal fees as a handyman solopreneur?”³⁸

The system to vend around high traffic areas may be exclusionary to some street vendors, concentrating opportunity among those who can pay for it. This bill takes an important step—reducing fees for many vending related costs, including for vending site permits around Nationals Park and the National Mall.

However, the system is such that a vendor is paying for *the chance* to sell in these high traffic areas—not the guarantee. They must be selected in the lottery to then vend in these locations. If they are not selected, they have lost their vending site permit payment. Because the opportunity to vend in these areas is not guaranteed, only vendors who can afford *the chance* can enter the lottery—reducing the size of the applicant pool, restricting it to those who can pay for it, and keeping out those who can’t.

While this bill is an important step, there are many other barriers that Black, Indigenous, Latine, and other vendors of color face when seeking to start a business. As vendor Arely Andrede testified, “we need easier access to street vending licenses, PLEASE, so we can work in peace and be protected from street harassment. I made the effort to become certified as a food manager, but I still don’t have a license because the process is so difficult and expensive.”³⁹ Andrede’s testimony exemplifies that it is not only the fees that create a barrier, but also the process itself.

Alex Montgomery of the Institute for Justice echoed Andrede’s sentiment in their public testimony for the Business and Entrepreneurship Support to Thrive Amendment Act of 2022. They stated, “business licensing is not the only step an entrepreneur has to complete to get their business up and running...in many cases, a [basic business license] is just the beginning...for under-resourced entrepreneurs, this maze of rules and compliance tasks creates a kind of death by a thousand cuts.”⁴⁰ Another vendor who testified anonymously shared, “the process with the Department of Consumer and Regulatory Affairs (DCRA) has been very hard to navigate. I’ve spent almost a year and a half trying to get a cottage food license. When you go to the office, they tell you what you need to do but not how to do it.”⁴¹

In addition, Black entrepreneurs face other challenges like being “more likely to be denied credit,” while also paying higher interest rates,⁴² in addition to the challenges described above regarding networks, income, and wealth inequities. Street vendors who don’t speak English are also confronted with a language barrier during the licensing process.

Other actions are required to truly open up the licensing process.

³⁸ Mejia, Juliana Cardona. “[B24-0301, the Business and Entrepreneurship Support to Thrive Amendment Act of 2021](#),” February 7, 2022.

³⁹ Andrade, Arely. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

⁴⁰ Montgomery, Alex. “[B24-0301, the Business and Entrepreneurship Support to Thrive Amendment Act of 2021](#),” February 7, 2022.

⁴¹ X, Michael. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

⁴² Fairlie, Robert W, and Alicia M. Robb. “[Disparities in Capital Access Between Minority and Non-Minority-Owned Businesses: The Troubling Reality of Capital Limitations Faced by MBEs](#).” U.S. Department of Commerce, Minority Business Development Agency, January 2010, 66.

It is unclear if there is data on the barriers faced by different racial groups in the business licensing process. As we highlighted in our REIAs on Bill 24-0044 and Bill 24-0301,⁴³ a comprehensive review to determine the rates at which Black, Indigenous, Latine, and other residents of color apply for, receive, or are denied licenses could inform targeted investments to address the unique barriers these groups face.

SECTION 2: LICENSING ENFORCEMENT

The following content describes Bill 25-0068 in plain language for the purposes of discussion. This explanation is not a substitute for the bill, or if passed, the law.

Currently, if convicted for a vending law violation, a person may be subject to a fine, 90 days in prison, or both. This bill removes the prison penalty and the criminal fine.

The bill maintains civil fines for vending violations but changes their classification. The bill classifies vending without an active license or required permit as a Class 1 civil infraction.⁴⁴ “Knowingly altering, falsifying, or misrepresenting any [required] license, permit, or certificate” is as well, per the bill. All other street vending law violations are categorized as Class 2-5 civil infractions.⁴⁵ The bill states that violations would result in a civil fine, in amounts determined by DC regulations.⁴⁶

The Mayor may give a verbal warning for Class 2-5 civil infractions before issuing a notice of infraction. However, verbal warnings for Class 1 civil infractions are not allowed by the bill.

Finally, the bill requires that if someone violates vending laws, they must share their true name and address, and if asked, their ID.

Racial Equity Impacts

Bill 25-0068’s decriminalization of street vending violations will likely make progress toward racial equity in the District of Columbia. The complex regulations and accumulating fees of the current vending license process result in many different outcomes—including driving vendors to sell their goods without a license to maintain their livelihood. This is despite the widely held desire among vendors to abide by the law.⁴⁷

As unlicensed vending is currently criminalized, vendors have faced harassment, humiliation, and physical injury from the police as well as criminal charges and consequences. Vendors testified about threats of

⁴³ See CORE’s REIAs on [Bill 24-0044](#), the “Reopen Washington DC Alcoholic Beverage Regulation Amendment Act of 2021” and on [Bill 24-0301](#), the “Business and Entrepreneurship Support to Thrive Amendment Act of 2022.”

⁴⁴ Class 1 Civil infractions are “egregious infractions that result from flagrant, fraudulent, or willful conduct, or unlicensed activity, or that are imminently dangerous to the health, safety, or welfare of persons within the District of Columbia.” (source: [DC Municipal Regulations](#))

⁴⁵ Class 2-5 civil infractions range in definition from unlicensed, imminently dangerous behavior to “infractions that collectively create a nuisance but individually do not pose a threat to the health, safety, or welfare of persons within the District of Columbia.” (source: [DC Municipal Regulations](#))

⁴⁶ “[Chapter 16-32 Civil Infractions: Schedule of Fines](#).” District of Columbia Municipal Regulations.

⁴⁷ Yannik Omictin. Letter to Chairman Mendelson. “Responses to Witness Questions during Committee of the Whole Hearing on Bills 24-0049 and 24-0050,” n.d.

arrest in front of customers,⁴⁸ being chased away from their vending site by the police,⁴⁹ and general mistreatment at their hands.⁵⁰ Physical injury has also occurred.⁵¹

The emotional and mental health toll must also be noted. Genesis Lemus, the daughter of a vendor and a vendor herself, testified that “me and the kids of the street vendors have seen our parents getting mistreated by the police. It breaks our hearts.”⁵² Vendor María Cruz shared: “every time the police would come to give us tickets, I’d be so scared and with so much anxiety. I even stopped vending for a while because I was literally sick from anxiety. It’s perpetual harassment because of our lack of licenses as street vendors.”^{53,54}

Key statistics from the DC Sentencing Commission were shared throughout the testimony, highlighting the ways in which the criminalization almost solely affects Black, Indigenous, Latine, and other residents of color. Ahoefa Ananouko of the ACLU cited that “of the 463 vending-related arrests made between 2018 and September 2022, the majority (81%) were of Black individuals.”⁵⁵ “Over ninety-five percent [of those arrested for vending without a license] were people of color,” stated Dennis Corkery.⁵⁶

In addition to the emotional, physical, and legal consequences of these interactions, there are the effects which ripple out into every aspect of life, like vendors’ housing and immigration status. For example, vendor Rasul El-Amin shared that they are “currently living in a shelter waiting to receive a housing voucher...if I were to be cited for vending without a license, my status at the shelter and housing voucher could be at risk.”⁵⁷ In terms of immigration, “immigration court judges, who have wide discretion in immigration cases, could use a conviction for vending without a license to determine that a person should not be awarded immigration status,”⁵⁸ testified Ananouko.

Broadly, “when basic economic transactions are subject to criminal enforcement, each encounter with the police creates the threat of contact with the state snowballing into an immigration nightmare,”⁵⁹ shared Stephen Lee in a California Law Review article.

⁴⁸ Argueta, Rusby. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

⁴⁹ Andrade, Arely. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

⁵⁰ Lemus, Genesis. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

⁵¹ Delgadillo, Natalie. “[After Police Confront Teen Selling Food On The Sidewalk, Activists Demand Protections For Street Vendors](#).” DCist, November 21, 2019.

⁵² Lemus, Genesis. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

⁵³ Cruz, María. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

⁵⁴ Unfortunately, there are countless stories of vendors’ negative interactions with the police. Many are captured in Beloved Community Incubator’s report, [Where the Sidewalk Ends Part II: A Vision for Decriminalizing and Investing in DC Street Vendors](#).

⁵⁵ Ananouko, Ahoefa. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

⁵⁶ Corkery, Dennis A. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

⁵⁷ El-Amin, Rasul. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

⁵⁸ Ananouko, Ahoefa. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

⁵⁹ Lee, Stephen. “[Racial Justice for Street Vendors](#).” *California Law Review*, Reckoning and Reformation Symposium, June 2021.

Decriminalization eliminates the grounds for which the police can interact with vendors, eliminates the possibility of a criminal record for street vending, and eliminates the potential for jail time—likely making progress toward racial equity in the District.⁶⁰

Further Considerations

While decriminalization of unlicensed vending may reduce police interactions with vendors, it is not clear that it—or other government enforcement behavior—will be fully improved. With decriminalization, enforcement of street vending law will fall to the Department of Licensing and Consumer Protection (DLCP), a newer agency borne out of the previous Department of Consumer and Regulatory Affairs (DCRA).

Unfortunately, not only have vendors faced issues with police enforcement, but they have also faced challenges with civil enforcement by DCRA.⁶¹ Without additional action taken, this may continue with DLCP.

Bill 25-0068 maintains civil fines for vending law violations and does not utilize a “fix-not-fine” approach to law and regulation enforcement. The Council Office of Racial Equity has written at length about the regressive nature and rippling effects of a flat fine on Black, Indigenous, Latine, and other residents of color in the District.⁶²

The “fix-not-fine” approach, highlighted by the Beloved Community Incubator, is “a principle that commits city regulators to provide people with training and resources to fix regulatory issues rather than simply fining people who are not in compliance.”⁶³ Minneapolis provides an example of this approach in practice, though in the realm of traffic tickets.⁶⁴

Bill 25-0068 does not 1) state what would happen if someone suspected of violating a vending law does not provide their true name, address, and ID or 2) account for vendors experiencing homelessness. The bill does not specify what will happen if someone does not provide their name, address, and ID—leaving it open to the person requesting the information. This creates an opportunity for disproportionate and discriminatory behavior.

In addition, it is not clear how a vendor experiencing homelessness or someone without an ID, both populations who are more likely to be people of color,^{65,66} would answer the question.

SECTION 3: VENDOR BUSINESS OPERATIONS

The following content describes Bill 25-0068 in plain language for the purposes of discussion. This explanation is not a substitute for the bill, or if passed, the law.

Bill 25-0068 changes the definition of “cottage food product” to allow more foods to be prepared in a residential kitchen and then sold.

⁶⁰ For more on the many consequences of enforcement for DC vendors, see Pileri, Joseph. “[Who Gets to Make A Living? Street Vending In America](#).” *Georgetown Immigration Law Journal*. 2021.

⁶¹ For example, see the experience of Kahssay Ghebrehbrhan in “[Where the Sidewalk Ends - Part II](#)” by Vendedores Unidos (Vendors United) and Beloved Community Incubator.

⁶² For additional reference, see our REIAs on B24-0237, the “[Clean Hands Certification Equity Amendment Act of 2022](#)” and on B24-0444, the “[Urban Forest Preservation Authority Amendment Act of 2022](#),” among others.

⁶³ Vendedores Unidos (Vendors United) and Beloved Community Incubator. “[Where the Sidewalk Ends - Part II](#).”

⁶⁴ “[Lights On! – Together We Replace Tickets with Vouchers, Stabilizing Communities and Building Trust](#).” Lights On!, 2022.

⁶⁵ The Community Partnership for the Prevention of Homelessness. “[2021 Point-in-Time Count, District of Columbia Continuum of Care](#).” June 3, 2021.

⁶⁶ Iyer, Sundeep, and Keesha Gaskins. “[The Challenge of Obtaining Voter Identification](#).” Brennan Center for Justice, July 18, 2012.

The bill allows cottage food businesses to only sell cottage food products prepared, processed, and stored on the business premises (a home). Pre-packaged cottage food products must be labeled with the following information:

- cottage food business identification number
- product name
- product ingredients
- allergen information (per federal labeling guidelines)
- nutritional information, if applicable (per federal labeling guidelines)
- the following text in a legible size and color: *“made by a cottage food business that is not subject to the District of Columbia’s food safety regulations.”*

If the product is difficult to label, hard to package, or sold through a food cart, then the business owner must share the bulleted information above through signage rather than packaging.

The Department of Licensing and Consumer Protection (DLCP) and the Department of Health will regulate the design of food carts and vehicles.⁶⁷ DLCP must establish a process for businesses, nonprofits, and vendors to submit food cart designs for department approval. Approvals must be based on:

- whether the vendor is selling items that are potentially hazardous
- where the items will be prepared
- where and how the items are packaged
- whether existing food cart design requirements are necessary given the food that will be sold
- whether existing food cart design requirements would cause the vending business to be “unfeasible due to the size or cost of the cart.”

If DLCP denies a proposed food cart design, they must explain why. Applicants can submit updated plans for reconsideration within 30 days of the denial. When a design is approved, the Department must post the final design (including any specifications and equipment requirements) on its public website.

Food carts may be maintained and stored at the following locations: a vending depot (or warehouse) that meets DC regulations, a shared kitchen or support facility, an existing food establishment that does not move (like a deli, bakery, or restaurant), a community center, or a cottage food business (the business owner’s home).

Shared kitchens or support facilities, existing food establishments, and community centers can maintain and store food carts if:

- the cart will be stored in a space and in a way that protects it from contamination
- there is also enough space for the vendor to properly store inventory (like food, supplies, and utensils) and clean the cart
- the facility provides access to on-site food preparation and food handling area (if needed), hot and cold water, drinkable water, electrical outlets, and bins or systems to properly dispose of trash and food waste.

⁶⁷ In addition, the following rules will apply: 1) if a vendor is only selling non-potentially hazardous whole fruits and vegetables, their cart/vehicle does not require freshwater tanks (which hold clean water for washing food and utensils), wastewater tanks (which hold dirty water), washing sinks, or sink compartments, 2) if a vendor is selling non-potentially hazardous uncut fruits and vegetables or potentially hazardous pre-packaged foods (including frozen desserts, sandwiches, and pre-cut fruits and vegetables), their cart/vehicle does not require freshwater tanks, washing sinks, or sink compartments.

The bill also details the requirements for a cottage food business to service and store up to two food carts and for an alternative facility (like a private garage) to service and store up to four food carts.

Racial Equity Impacts

Expanding the definition of cottage food products and changing the design and storage requirements for food carts will likely improve economic and employment outcomes for Black, Indigenous, Latine, and other residents of color. The Beloved Community Incubator notes that “DC has some of the most restrictive cottage food laws in the country—as of 2018, the law was so restrictive that there were only three registered cottage food businesses in the District.”⁶⁸ The current law not only limits what can be sold, but also to whom.

The new definition, accompanying laws, and relevant regulations broaden opportunities while also ensuring food safety. Given that the majority of vendors are Black, Indigenous, Latine, and other people of color, this change creates the framework needed for them to lawfully prepare food at home for distribution or vending.

Similar to changing the cottage food product definition to be less restrictive, the bill relaxes strict requirements for food cart design and storage. Currently, to buy a food cart that would meet legal requirements would cost over \$10,000.⁶⁹ Strict legal requirements also extend to where the cart must be stored—currently, “a DLCP-approved depot, which costs vendors at least \$100 a month.”⁷⁰ The Beloved Community Incubator highlights that this may lead to increased travel costs between the facility and vending site for a vendor as well as exploitation by those who run the storage facilities.⁷¹

The bill also makes the cart design requirements more flexible. For example, cart requirements will tailor to the food that will be sold. In addition, the options for food cart storage will increase beyond approved depots.

Finally, the bill requires the District to publish approved food cart designs so that they may be used by other vendors—or food cart makers. Eventually, this may lower financial and logistical barriers for people interested in vending.

SECTION 4: SIDEWALK VENDING ZONES

The following content describes Bill 25-0068 in plain language for the purposes of discussion. This explanation is not a substitute for the bill, or if passed, the law.

The Mayor can establish sidewalk vending zones. For each zone, the Mayor must:

- limit the number of sidewalk vendors allowed to operate in the zone based on an approved vending site plan from the sidewalk vending zone manager
- allow vendors to switch locations within the zone based on an approved vending site plan from the sidewalk vending zone manager
- require all vendors to clearly display a basic business license and other required paperwork
- “require all vendors to vend from a temporary table or vending cart that contains no motor or open fires, is able to be moved by hand, and” falls within width, length, and height restrictions laid out in the bill.

⁶⁸ Vendedores Unidos (Vendors United) and Beloved Community Incubator. “[Where the Sidewalk Ends - Part II.](#)”

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

Certain entities can request that the Mayor establish a sidewalk vending zone (or changes to an existing vending zone). The list includes: affected Advisory Neighborhood Commissions and incorporated citizens associations, incorporated sidewalk vendor organizations, nonprofits that serve sidewalk vendors, and the affected Business Improvement District.

Requests must be made in writing to the Mayor. Within 60 days, the Mayor must ask for the community's input and respond to the request in writing. If the request is denied, the Mayor must explain why.

In addition to creating a framework for forming zones, the bill establishes the Columbia Heights-Mount Pleasant Sidewalk Vending Zone and details where exactly within the zone people can vend. The Mayor and the sidewalk vending zone manager will determine how many vendors can be in each of the areas based on:

- the square footage of the sidewalk or area
- square footage of the vending cart, stand, or table as long as appropriate distance is provided between it and things like driveways, Metro escalators, loading zones, and fire hydrants.

The Mayor must contract with a nonprofit or co-op to act as a sidewalk vending zone manager for all designated sidewalk vending zones, including the Columbia Heights-Mount Pleasant Sidewalk Vending Zone. This organization must:

- have an active business license
- have demonstrated knowledge and expertise on vending and food safety regulations
- hold a general liability insurance policy⁷²
- prove that it has the resources necessary to offer translation services to sidewalk vendors.

The Mayor must “give preference to organizations that have a demonstrated history of working with, or providing services and technical assistance to, sidewalk vendors.” Insurance policies must be always kept up to date with the Mayor.

In addition, a sidewalk vending zone manager must:

- submit “a vending site plan to the Department of Licensing and Consumer Protection” with a diagram of all the zone’s vending locations, vendor names and license numbers, and approximate dimensions of each vendor’s cart, stand or table
- provide contact information of the onsite staff to each vendor in a sidewalk vending zone
- develop, share, and maintain written policies and procedures to resolve disputes between vendors
- share these policies with vendors in their preferred language
- keep a list of the vendors in the zone, their contact information, license number, business address, and basic information on what they sell and their vending location (updates to this information must be shared to the Department of Licensing and Consumer Protection within 48 hours of the change)
- keep a daily log of supervision activity (“including information on technical assistance provided to sidewalk vendors, mediations conducted, and corrective actions taken to ensure sidewalk vendors are in compliance with the law and regulations”)
- “provide technical support to sidewalk vendors in the sidewalk vending zone”
- “take all necessary and reasonable actions to ensure that a sidewalk vendor is compliant with all health laws and regulations.”

The Department of Licensing and Consumer Protection must “approve, deny, or request modifications to a vending site plan within 7 business days of receipt.” Conflicts with this bill or plans “present[ing] an

⁷² Coverage that “protects against financial loss as the result of bodily injury, property damage, medical expenses, libel, slander, defending lawsuits, and settlement bonds or judgements.” U.S. Small Business Administration. “[Get Business Insurance](#).”

immediate hazard to pedestrians, cyclists, or vehicular traffic” are the only reasons that a plan can be denied or a modification request can be made.

Finally, the Mayor must also conduct a Columbia Heights-Mount Pleasant Sidewalk Vending Zone study to determine:

- “potential [nearby] spaces for storage and servicing of sidewalk vending carts...including any cost estimates for acquiring the space and making necessary improvements”
- “potential locations for...public restroom facilities within or near [the zone], including cost estimates of any [required] work”
- “recommendations for capital improvements...to better accommodate vending activity and pedestrian access”
- “potential locations for an indoor vending market within or near the...[zone] including cost estimates for acquiring the land if necessary.”⁷³

The study must be completed and submitted within one year of the bill’s effective date.

Racial Equity Impacts

Bill 25-0068’s establishment of the Columbia Heights-Mount Pleasant Sidewalk Vending Zone, setting up a process for creating additional zones, and contracting sidewalk vending zone managers will likely improve economic, employment, and legal outcomes for Black, Indigenous, Latine, and other vendors of color.

By establishing a Columbia Heights-Mount Pleasant Sidewalk Vending zone, DC Government is supporting the sidewalk vendors—an approach that is drastically different from the current criminalization. The neighborhood is one where vendors “have found community.”⁷⁴ As vendor Chris Damola testified, “Vendors create a lively community in Columbia Heights. They are providing for their families, they are earning a living, and they are bringing a diversity of language and culture to the block.”⁷⁵ This part of the bill recognizes all these aspects of sidewalk vending.

In addition, the bill creates a path for other sidewalk vending zones to be created. If this process is used, it may increase the number of vending sites as well as transparency into the “opaque system for allocating vending sites,”⁷⁶ issues highlighted by the Beloved Community Incubator and Vendedores Unidos.

The bill’s creation of the vending zone manager role also appears to be positive for sidewalk vendors. These managers would be required to assist vendors in the vending zone with technical needs, vending and food safety regulations, and translation services. As the Beloved Community Incubator predicts, “if the DC government provides licensed sidewalk vending zone managers with sufficient resources, then managers can help bridge the many accessibility gaps that currently exist between vendors and the DLCP.”⁷⁷

⁷³ B25-0068 Committee Print.

⁷⁴ Diaz, Eloisa. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

⁷⁵ Damola, Chris. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021](#),” November 16, 2022.

⁷⁶ Vendedores Unidos (Vendors United) and Beloved Community Incubator. “[Where the Sidewalk Ends - Part II](#).”

⁷⁷ Ibid.

Importantly, the bill details how a vending manager must be contracted: via a Request for Proposals (RFP),⁷⁸ issued within 60 days of the bill’s effective date, and with input from sidewalk vendors, community-based organizations, and nonprofits who work with vendors.

Requiring that the RFP can only be issued with the inclusion and input of vendors exemplifies the idea: “nothing about us, without us.” The saying has been used in many contexts and is very relevant here. Government decisions should be guided, informed, and executed collaboratively with the people most affected by them. In this case, the vendors—the majority of whom are people of color.

In addition, the bill states when the contract must be signed by the Mayor and the zone manager. Critically, however, the bill also states that sidewalk vendors can still operate and earn a livelihood in the Columbia Heights-Mount Pleasant Vending Zone—even if the contract is not signed in this time frame.

Further Considerations

While the Columbia Heights-Mount Pleasant Sidewalk Vending Zone study will examine critical avenues to support area vendors, the bill does not include a next step after the study is conducted.

The study will scope potential areas for storing and servicing carts, restroom facilities, other capital improvements, and indoor market areas, as well as the cost of each. Several of these topics were highlighted as recommendations by Beloved Community Incubator and Vendedores Unidos in their report on decriminalizing street vending.⁷⁹

While the bill positively requires the Executive complete the study by a certain date, the bill does not mandate what should be done with the study next. Without a next step, action based on the research may stall and cost estimates may become stale and less useful.

Because most vendors are Black, Indigenous, Latine, and other people of color, ensuring continued progress and improvements for sidewalk vendors is critical from a racial equity perspective.

SECTION 5: AMNESTY PROGRAM

The following content describes Bill 25-0068 in plain language for the purposes of discussion. This explanation is not a substitute for the bill, or if passed, the law.

In addition, Bill 25-0068 sets up an amnesty program for street vendors who owe fines for vending violations or owe minimum sales tax payments from between 2010 and the bill’s effective date. In other words, the DC Government will forgive the fines, sales tax payments, and any interest owed by eligible program applicants. Applicants must fill out an application and provide:

- their basic business license application
- a vending site permit application
- a copy of each unpaid citation and the amount owed for each
- a document from the Office of Tax and Revenue stating the amount of minimum sales tax owed.

The amnesty program will last for five years and the Mayor must publicize it during that time.

Racial Equity Impacts

Forgiving fines, taxes, and interest owed to the District Government will likely improve economic and

⁷⁸ A “Request for Proposal” is “a business document that announces a project, describes it, and solicits [asks for] bids from qualified contractors to complete it.” ([source](#))

⁷⁹ Vendedores Unidos (Vendors United) and Beloved Community Incubator. “[Where the Sidewalk Ends - Part II.](#)”

employment outcomes for Black, Indigenous, Latine, and other vendors of color in the District of Columbia.

The Clean Hands Law has stopped some sidewalk vendors before they could even start down the licensing path. Beloved Community Incubator explains,

vendors applying for licenses must submit a Certificate of Clean Hands to the DC Office of Tax and Revenue...stating that [a vendor does] not owe more than \$100 to the Government of the District of Columbia. If an applying vendor has outstanding fines for vending without a license in excess of \$100, they must pay the fines before they apply for a license.⁸⁰

Fines for the violations covered under this amnesty program can vary from \$50-\$2000 and “can escalate for multiple offenses.”⁸¹ As Dennis Corkery testified, “these financial penalties can be a heavy lift to pay, especially when vending is the only source of income that these vendors have.”⁸²

Like other types of debt-based barriers and penalties,⁸³ this system puts residents in a state of limbo. As Ariel Levinson-Waldman of Tzedek DC further testified, “if someone owes a license fee or has to pay a fine to the government but is forbidden from making a living, they have no way to pay a fee and end up trapped in a cycle of poverty that especially impacts residents of color.”⁸⁴

Research has found that penalties, fines, and fees “can disproportionately harm families of color, both due to discriminatory practices in issuing fines and fees and in the systemic issues of income and wealth inequities that make it more difficult for these families to pay.”⁸⁵

Crucially, the bill not only establishes the amnesty program but sets it up for five years, accompanied by a marketing component. Ensuring the program is available for a substantial amount of time *and* that it be advertised will likely increase the number of vendors—mostly people of color—who will benefit from it. If vendors apply to the amnesty program and their fines, taxes, and interest are forgiven, they will have the opportunity to pursue a vending license.

Further Considerations

While the amnesty program profoundly assists vendors who are currently blocked from obtaining a license, future vendors will likely face the same challenge. Based on how the bill is written, vendors who receive a fine after the bill becomes effective will not be eligible for the forgiveness program and will be blocked from pursuing a license. They will be similarly “trapped in a cycle of poverty”⁸⁶ like many of the sidewalk vendors today.

DC Government should consider testing the amnesty application form with sidewalk vendors. Due to the need for and importance of this program for sidewalk vendors of color, it is critical that vendors are not blocked by the required paperwork.

⁸⁰ Vendedores Unidos (Vendors United) and Beloved Community Incubator. “[Where the Sidewalk Ends - Part II.](#)”

⁸¹ Corkery, Dennis A. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021.](#)” November 16, 2022.

⁸² Ibid.

⁸³ See [CORE's REIA on Bill 24-0237](#), the “Clean Hands Certification Equity Amendment Act of 2022.”

⁸⁴ Levinson-Waldman, Ariel. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021.](#)” November 16, 2022.

⁸⁵ Zicuhr, Kathryn. “[Applying a Racial Equity Lens to Fines and Fees in the District of Columbia.](#)” The D.C. Policy Center.

⁸⁶ Levinson-Waldman, Ariel. “[B24-49, Street Vending Decriminalization Amendment Act of 2021 and Bill 24-50, Sidewalk Vending Zones Amendment Act of 2021.](#)” November 16, 2022.

One way to ensure this process works for applicants is to employ user-centered design.⁸⁷ In this case, this technique would require observing how vendors attempt to find and fill out the necessary forms and noting challenges vendors face. Then, the process would need to be updated based on these observations and tested again. Under this process, an application would not be rolled out until it had been tested and updated multiple times, leading to accessible forms and processes.

ASSESSMENT LIMITATIONS

Alongside the analysis provided above, the Council Office of Racial Equity encourages readers to keep the following limitations in mind:

We generally do not provide policy solutions or alternatives to address our racial equity concerns.

While Council Period 25 Rules allow our office to make policy recommendations, we focus on our role as policy analysts—we are not elected policymakers or committee staff. In addition, and more importantly, racially equitable policymaking takes time. Because we only have ten days for our review, we would need more time to ensure comprehensive research and thorough community engagement inform our recommendations.

Assessing legislation’s potential racial equity impacts is a rigorous, analytical, and organized undertaking—but it is also an exercise with constraints. It is impossible for anyone to predict the future, implementation does not always match the intent of the law, critical data may be unavailable, and today’s circumstances may change tomorrow. Our assessment is our most educated and critical hypothesis of the bill’s racial equity impacts.

Regardless of the Council Office of Racial Equity’s final assessment, the legislation can still pass. This assessment intends to inform the public, Councilmembers, and Council staff about the legislation through a racial equity lens. However, a REIA is not binding.

This assessment aims to be accurate and useful, but omissions may exist. Given the density of racial equity issues, it is unlikely that we will raise *all* relevant racial equity issues present in a bill. In addition, an omission from our assessment should not: 1) be interpreted as a provision having no racial equity impact or 2) invalidate another party’s racial equity concern.

⁸⁷ The Lab @ DC. “[Resident-Centered Design](#).”

**COMMITTEE OF THE WHOLE
DRAFT COMPARATIVE PRINT
BILL 25-68**

D.C. OFFICIAL CODE § 7-742.01. DEFINITIONS.

For the purposes of this subchapter, the term:

(1) “CFBR” means the Cottage Food Business Registry within the Department of Health.

(2) “Cottage food business” means a business that:

(A) Produces or packages cottage food products in a residential kitchen;

(B) Sells the cottage food products in accordance with § 7-742.02 and regulations adopted by the Department of Health; and

(C) Repealed.

(D) Has obtained a home occupancy permit from the Department of Consumer and Regulatory Affairs pursuant to section 203 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR Section 203).

(2A) "Cottage food business identification number and certificate" means the unique identifier for tracking cottage food businesses and the certificate evidencing status as a cottage food business.

(3) “Cottage food product” means **food that is prepared, processed, or packaged in a cottage food business and sold directly to consumers, including through direct, retail, and online sales, within the District of Columbia. For purposes of this paragraph, the term cottage food product shall not include uncooked or raw meat products, or raw dairy products. a non-potentially hazardous food, as specified in regulations adopted by the Department of Health, that is sold to consumers, including through direct, retail, and online sales, within the District of Columbia in accordance with § 7-742.02 and regulations adopted by the Department of Health.**

(4) “Department” means the Department of Health.

(5) "Food establishment" shall have the same meaning as provided in § 48-102(5).

* * *

D.C. OFFICIAL CODE § 7-742.02. COTTAGE FOOD BUSINESSES.

(c)(1) The owner of a cottage food business may sell only cottage food products that are **prepared, processed and stored on the premises.**

~~(1) Stored on the premises of the cottage food business; and~~

(2) ~~Prepackaged with a label that contains the following information:~~ **For any pre-packaged cottage food products, a label must be affixed to the package that contains the following information:**

(A) The cottage food business identification number;

(B) The name of the cottage food product;

(C) The ingredients of the cottage food product ~~in descending order of the amount of each ingredient by weight;~~

~~(D) The net weight or net volume of the cottage food product;~~

~~(DE)~~ Allergen information as specified by federal labeling requirements;

~~(EF)~~ If any nutritional claim is made, nutritional information as specified by federal labeling requirements; and

~~(EG)~~ The following statement printed in 10-point or larger type in a color that provides a clear contrast to the background of the label: "Made by a cottage food business that is not subject to the District of Columbia's food safety regulations.

(3) For any cottage food products that are difficult to properly label or package, or for any cottage food products that will be sold through a vending cart and are not pre-packaged, the owner of the cottage food business must have a receipt, placard or signage in easily readable type at the point-of-sale that contains the information required for pre-packaged food items in paragraph (2) of this subsection.

* * *

D.C. OFFICIAL CODE § 37-131.01. Definitions.

For the purposes of this chapter, the term:

(1) "Fund" means the Vending Regulation Fund established by section 8(b).

(2) "Public market" means a vending operation that takes place in an area of public space set aside and permitted on a regular basis for the sale of goods, merchandise, or services provided onsite, which vending operation includes a farmers market, flea market, or antique market.

(3) “Sidewalk vending zone” means a geographically defined area 3 or more vending locations at which a person may vend.

(4) “Sidewalk vending zone manager” means a non-profit organization headquartered in the District of Columbia that oversees sidewalk vendors operating within a sidewalk vending zone.

(5) “Sidewalk vendor” means a person who engages in business while occupying a portion of the public right-of-way other than that reserved for vehicular travel.

(6) “Vending cart” means a wheeled, non-motorized, self-contained apparatus designed to be pulled by a vehicle or pushed by hand, designed to be operated from a sidewalk vending location, and from which food, products, merchandise, or services are intended to be vended.

(73) “Vending locations” means the specific locations designated by the Mayor on sidewalks, roadways, and other public space at which a person may vend.

(84) “Vending site permit” means a permit or other authorization issued by the Mayor for a vending location.

* * *

D. C. OFFICIAL CODE § 37–131.02. Vending from public space.

(a) Except as set forth in subsection (b) of this section, a person shall not vend from a sidewalk, roadway, or other public space unless the person holds:

(1) A basic business license ~~properly endorsed as provided in subsection (c) of this section;~~

(2) A vending site permit, or other authorization issued by the Mayor, setting forth the specific location on public space from which the person may vend; and

(3) Such other licenses, permits, and authorizations that the Mayor may require by rule.

(b) The Mayor may authorize the following persons to vend from public space without a basic business license or vending site permit:

(1) An employee or youth assistant of a licensed vendor;

(2) A person vending at a licensed special event;

(3) A person vending at a public market that has been issued a valid permit by the Mayor; and

(4) A person or entity authorized to vend from public space without a license pursuant to subsection (d) of this section.

~~(c)(1) An endorsement to vend food pursuant to this chapter shall be issued as a Food Establishments: Retail endorsement to a basic business license under the basic business license system as set forth in subchapter I-A of Chapter 28 of Title 47 [§ 47-2851.01 et seq.].~~
[Repealed]

~~(2) An endorsement to vend merchandise or engage in street photography pursuant to this chapter shall be issued as a General Sales endorsement to a basic business license under the basic business license system as set forth in subchapter I-A of Chapter 28 of Title 47 [§ 47-2851.01 et seq.].~~
[Repealed]

(d) The Mayor may establish by regulation exemptions from the licensure requirement for a person, entity, or categories of persons or entities to vend from public space without a basic business license when the public interest would be served by establishing such an exemption.

(e) Vendors may operate only during the following hours:

(1) Sunday through Thursday, from 5:00 a.m. to 12 a.m.; and

(2) Friday and Saturday from 5:00 a.m. to 1:00 a.m. the next day; provided, that vendors operating in Residential Zones, as specified in the District of Columbia Zoning Regulations, shall not vend past 10:00 p.m. on any night of the week.

* * *

D.C. OFFICIAL CODE § 37-131.06a. VENDING LICENSES AND PERMITS AND CRIMINAL BACKGROUND CHECKS.

No applicant for a basic business license, a vending site permit, or any other licenses or permits required to vend from a sidewalk, roadway or other public place pursuant to section 3 shall be required to undergo a criminal background check or provide a certified copy of a criminal history report to any agency prior to or after receiving said licenses or permits.

* * *

D.C. OFFICIAL CODE § 37-131.06b. FOOD VENDING CART AND VEHICLE DESIGN STANDARDS.

(a) Food vending cart and vehicle designs shall be subject to rules promulgated by the Department of Licensing and Consumer Protection; provided, that, food vending carts and vehicles for vendors:

(1) Selling only non-potentially hazardous uncut fruits and vegetables shall not be required to include freshwater tanks, wastewater tanks, or food, ware, or hand washing sinks or sink compartments; or

(2) Selling non-potentially hazardous uncut fruits and vegetables, and potentially hazardous pre-packaged foods, including frozen desserts, sandwiches, and pre-cut fruits and vegetables, shall not be required to include freshwater tanks, or food, ware, or hand washing sinks or compartments.

(b)(1) The Department of Licensing and Consumer Protection shall, in consultation with the Department of Health, establish a process through which businesses, community-based organizations, and vendors can submit food vending cart designs and specifications for approval by the Department of Health.

(2) When determining whether to approve a specific food vending cart design, the Department of Health shall consider the following:

(A) Whether the food items that will be sold by users of the food vending cart:

(i) Are potentially hazardous, as defined in 25-A DCMR 9901;

(ii) Will be prepared off-site or at the cart;

(iii) Are packaged off-site, are packaged at the cart, or are sold unpackaged;

(B) Whether the application of existing food cart design requirements is necessary given the food items that will be offered for sale; and

(C) Whether the application of existing food cart design requirements would render the sale of the proposed food items unfeasible due to the size or potential cost of the cart.

(3) When the Department of Licensing and Consumer Protection denies a proposed food vending cart design, the Department shall provide the applicant with the specific reasons and justifications for a denial. The business, non-profit, community-based organization, or vendor who submitted the designs and specifications that were denied may, within 30 business days of receiving a denial, submit revised food vending cart design plans and specifications for consideration by the Department.

(c) When the Department of Licensing and Consumer Protection approves a food vending cart design, the Department shall post the final design, including any design specifications and equipment requirements for the cart, publicly on its website.

D.C. OFFICIAL CODE § 37-131.06c. FOOD VENDING CART SERVICE AND STORAGE REQUIREMENTS.

(a) Food vending carts may be serviced and stored in the following locations:

- (1) A vending depot that meets the requirements of 24 DCMR 574;**
- (2) A shared kitchen or support facility;**
- (3) An existing, brick-and-mortar food establishment with a fixed location, such as a delicatessen, bakery, or restaurant;**
- (4) A community center; or**
- (5) A cottage food business.**

(b) A shared kitchen or support facility, existing food establishment with a fixed location, or a community center may be permitted to support the servicing and storage of food vending carts if:

- (1) The food vending cart will be stored in a space and manner that protects the cart from contamination;**
- (2) There is adequate space for the proper storage of inventory, such as food, supplies, and utensils, used by the vendor;**
- (3) There is adequate space for the cleaning of any food vending carts serviced and stored at the facility;**
- (4) The vendor has access to on-site food preparation and food handling areas, if needed; and**
- (5) The facility will provide access to hot and cold water, potable water, electrical outlets, and receptacles or systems for the proper disposal of trash and food waste.**

(c) A cottage food business may be permitted to support the service and storage of up to two food vending carts if:

- (1) The food vending cart will be stored in a space and manner that protects the cart from contamination;**
- (2) The storage area is designated and clearly identified upon approval. The storage area shall not be relocated without approval by the Department of Health;**
- (3) The cottage food business is capable of supporting the proper preparation and storage of the food being sold from the food vending cart.**

(d) An alternative service and storage facility, such as a private garage, may be permitted to support the service and storage of up to four food vending carts if:

(1) The vendors sell only prepackaged food or non-potentially hazardous uncut fruits and vegetables;

(2) The facility provides the vendor with access to on-site potable water;

(3) The service and storage areas are free of pests such as rats; and

(4) Food items are not prepared or stored in the facility.

* * *

D.C. OFFICIAL CODE § 37–131.07. FEES AND FUNDING.

~~(a)(1) The Mayor may establish fees, by rule, for the application for, and issuance of, each license, permit, and authorization required under this chapter or the rules issued pursuant to this chapter. The Mayor may establish the fees based on the class of license, vending location, or other relevant factors.~~ Fees for vending licenses and permits required pursuant to this chapter shall be as follows:

(A) The biennial fee for a basic business license for any vendor shall be \$99;

(B) The annual fee for a vending site permit for sidewalk vending locations shall be \$75;

(C) The annual fee for a mobile roadway vending site permit shall be \$150;

(D) The fee for a monthly Vending Site Permit in the Nationals Park Vending Zone shall be \$65 per monthly lottery, as described in 24 DCMR § 529; and

(E) The fee for a monthly Vending Site Permit for stationary roadway vending at Vending Locations designated by 24 DCMR § 530 shall be \$225 per monthly lottery.

(2) The Mayor may revise fees established in this subsection through the promulgation of rules pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

* * *

D.C. OFFICIAL CODE § 37–131.08. PENALTIES.

~~(a) The Mayor may establish civil penalties for the violation of this chapter and rules promulgated pursuant to this chapter, including the establishment of civil penalties pursuant to Chapter 18 of Title 2 [§ 2-1801.01 et seq.].~~

~~(b) Any person who violates any of the provisions of this chapter or any regulations issued pursuant to this chapter shall, upon conviction, be subject to a fine not to exceed the amount set forth in § 22-3571.01, imprisonment not to exceed 90 days, or both, for each violation.~~

(a) The following violations shall be Class 1 civil infractions and subject to fines pursuant to 16 DCMR 3021:

(1) Vending without an active license, site permit, or other required licenses and permits pursuant to section 3(a); and

(2) Knowingly altering, falsifying, or misrepresenting any license, permit, or certificate required pursuant to this act, or any other applicable laws or regulations.

(b) All other violations of this act and applicable street vending regulations shall be categorized as Class 2, 3, 4, or 5 civil infractions.

(c) Prior to issuing a notice of infraction for violations of this act and applicable street vending regulations, the Mayor may give a verbal or written warning to the violator; provided, that this shall not apply to violations listed under subsection (a) of this section.

(d)(1) A person who violates subsection (a)(1) of this section in the presence of an enforcement officer shall identify himself or herself at the direction of the officer by giving his or her true name and address. Upon request of the enforcement officer, the person shall produce reasonable identification.

(2) If a person refuses to produce reasonable identification pursuant to paragraph (1) of this subsection, the enforcement officer may detain the person for a period of time not longer than is reasonably necessary to identify the person for purposes of issuing a notice of a civil infraction pursuant to section 201 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1802.01).

(3) For purposes of this subsection, the term:

(A) "Enforcement officer" means a person authorized to enforce the provisions of this act; provided, that this shall not include an officer or member of the Metropolitan Police Department of the District of Columbia.

(B) "Reasonable identification" means any form of identification that includes a person's true name and address.

(e) The Mayor shall issue a revised schedule of civil penalties for violations of this act and rules promulgated pursuant to this act. The proposed schedule of civil penalties shall be included with rules issued pursuant to section 11.

* * *

D.C. OFFICIAL CODE § 37–131.08a. SIDEWALK VENDING ZONES AND LICENSING.

(a) The Mayor may establish sidewalk vending zones through rulemaking. For each sidewalk vending zone, the Mayor shall:

(1) Establish vending locations pursuant to an approved vending site plan submitted by a sidewalk vending zone manager; provided that no vending cart, stand, or table shall be located within:

(A) 20 feet of a driveway entrance to a police or fire station;

(B) 10 feet of any other driveway;

(C) 10 feet of an alley;

(D) 20 feet of a street-level entry to a Metrorail escalator;

(E) 10 feet of a street-level door to a Metrorail elevator;

(F) A marked loading zone, entrance zone, or parking space designated for diplomatic parking, or other curbside location restricted for certain vehicles or uses;

(G) 10 feet of a fire hydrant or in-ground fire standpipe;

(H) 5 feet from a building's marked fire control room; or

(I) A Metrobus Stop Zone, a commuter bus zone, an intercity bus zone, or other curbside zone specifically designated and demarcated as being for transit use;

(2) Permit sidewalk vendors to alternate from one vending location to another within the same sidewalk vending zone, pursuant to an approved vending site plan submitted by a sidewalk vending zone manager;

(3) Require all sidewalk vendors to conspicuously display a basic business license and any other legally required permits or certificates; and

(4) Require all sidewalk vendors to vend from a temporary table or a vending cart that contains no motor or open fires, is able to be moved by hand, and is no more than

4 ft. in width and 4 ft. in length, unless the vendor vends food from a vending cart, in which case the vending cart shall not exceed 5 ft. in width and 8 ft. in length and 8 ft. 6 in. in height from the bottom of the tire.

(b)(1) The following persons may submit a written request to the Mayor for the establishment of a sidewalk vending zone, the establishment of vending spaces within a proposed sidewalk vending zone, or the establishment of or changes to vending spaces within an existing sidewalk vending zone:

(A) An affected Advisory Neighborhood Commissions;

(B) An organization incorporated under the laws of the District, the members of which are sidewalk vendors;

(C) A non-profit incorporated under the laws of the District that provides services or technical to sidewalk vendors;

(D) A citizens association incorporated under the laws of the District located within the affected area; or

(E) A Business Improvement District within the affected area. For purposes of this paragraph, the term “Business Improvement District” shall have the same meaning as set forth in section 3(6) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.02(6)).

(2) The Mayor shall solicit community input and respond in writing to a request made pursuant to paragraph (1) of this subsection within 60 days of its receipt. If the request is denied, the written response shall provide an explanation for the decision.

(c)(1) A sidewalk vending zone shall be supervised by a sidewalk vending zone manager.

(2) For a sidewalk vending zone authorized by this section, and for the Columbia Heights-Mount Pleasant Sidewalk Vending Zone established by section 9b, the Mayor, by and through the Department of Licensing and Consumer Protection, shall contract with a non-profit or community-based organization for a sidewalk vending zone manager. The organization shall:

(A) The organization has an active business license;

(B) The organization has demonstrated knowledge of and expertise in vending regulations;

(C) The organization has demonstrated knowledge of and expertise in food safety regulations;

(D) The organization provides proof of a general liability insurance policy in an amount and kind as determined by the Mayor; and

(E) The organization provides proof that it has the resources necessary to supply translation services to sidewalk vendors, as needed.

(3) The Mayor shall give preference to organizations that have a demonstrated history of working with, or providing services and technical assistance to, sidewalk vendors.

(d)(1) A sidewalk vending zone manager shall:

(A)(i) Submit a vending site plan to the Department of Licensing and Consumer Protection. The vending site plan shall contain a diagram of all sidewalk vending locations within the sidewalk vending zone. The diagram shall include the full name and license number of each vendor, as well as the approximate dimensions of tables and carts used by the vendor;

(ii) The Department shall approve, deny, or request modifications to a vending site plan within 7 business days of receipt. The Department shall only deny or request modifications to a vending site plan where the plan conflicts with this act or presents an immediate and significant hazard to pedestrians, cyclists or vehicular traffic;

(iii) A denial or request for modifications shall be made in writing to the sidewalk vending zone manager and shall include the justification for the denial or requested modifications. The Department shall respond to any proposed modifications within 7 business days of receipt;

(iv) Any changes to a vending site plan must be approved by the Department before they may be implemented;

(B) Provide accurate contact information of any onsite personnel to each vendor in a sidewalk vending zone;

(C) Develop and maintain policies and procedures to respond to and mediate disputes between sidewalk vendors in a sidewalk vending zone. The policies and procedures shall be written and shall be provided to each vendor in a sidewalk vending zone in his or her primary language;

(D) Maintain an accurate list of sidewalk vendors operating within a sidewalk vending zone, including contact information and basic information on items being sold by each sidewalk vendor. This list shall include the full name, license number, business address of each sidewalk vendor, and a diagram of the vending location. Any change of information shall be updated with the Department within 24 hours of that change;

(E) Maintain a daily log of supervision activity, including information on technical assistance provided to sidewalk vendors, mediations conducted, and corrective actions taken to ensure sidewalk vendors are in compliance with the law and regulations;

(F) Provide technical support to sidewalk vendors in a sidewalk vending zone, as needed; and

(G) Take all necessary and reasonable actions to ensure that a sidewalk vendor is compliant with all health laws and regulations.

(2) Any documentation required pursuant to paragraph (1) of this subsection shall be made available to the Mayor timely upon request.

* * *

D.C. OFFICIAL CODE § 37-131.08b. ESTABLISHMENT OF THE COLUMBIA HEIGHTS-MOUNT PLEASANT SIDEWALK VENDING ZONE.

(a) There is established the Columbia Heights-Mount Pleasant Sidewalk Vending Zone, comprised of the geographic area bounded by a line that begins on the southwest corner of the intersection of 16th Street, N.W., and Fuller Avenue, N.W., then north along the west side of 16th Street, N.W., until the southwest corner of 16th Street, N.W., and Harvard Street, N.W., then north along the west side Harvard Street, N.W., until the northwest corner of the intersection of Harvard Street, N.W., and Argonne Place, N.W., then east along the north side of Argonne Place, N.W., until the northwest corner of the intersection of Argonne Place, N.W., and Mount Pleasant Street, N.W., then north along the west side of Mount Pleasant Street, N.W., until the northwest corner of the intersection of Irving Street, N.W., and Mount Pleasant Street, N.W., then west along Irving Street, N.W., until the southwest corner of the intersection Irving Street, N.W., and 17th Street, N.W., then north along 17th Street, N.W., until the northwest corner of the intersection of 17th Street, N.W. and Park Road, N.W., then east along Park Road, N.W., until the northwest corner of the intersection of Park Road, N.W., and 14th Street, N.W., then north along the west side 14th Street, N.W., until the northwest corner of 14th Street, N.W. and Ogden Street, N.W., then north on the west side of Ogden Street, N.W., until the northwest corner of the intersection of Ogden Street, N.W., and Oak Street, N.W., then east along the north side of Oak Street, N.W., until the northwest corner of Oak Street, N.W., and 14th Street, N.W., then north along the west of 14th Street, N.W., until the northwest corner of the intersection of 14th Street, N.W., and Spring Road, N.W., and south along the east side of 14th Street, N.W., to the northeast corner of 14th Street, N.W. and Newton Street, N.W., then east along the north side of Newton Street, N.W., until the northeast corner of the intersection of Newton Street, N.W., and Holmead Place, N.W., then south along the east side of Holmead Place, N.W., until the northeast corner of the intersection of Holmead Place, N.W., and Park Road, N.W., then east along the north side of Park Road, N.W., until the northeast corner of the intersection of Park Road, N.W., and 13th Street, N.W., then south on the east side 13th Street, N.W., until the southeast corner at the intersection of 13th Street, N.W., and Girard Street, N.W., then east along the south side of Girard Street, N.W., until the southeast corner

of the intersection of 15th Street, N.W., and Girard Street, N.W., then south along the west side of 15th Street, N.W., until the southeast corner of the intersection of 15th Street, N.W., and Fuller Street, N.W., then east along the south side of Fuller Street, N.W., until the southwest corner of the intersection at Fuller Street, N.W., and 16th Street, N.W.

(b)(1) The Columbia Heights Sidewalk Vending Zone shall contain the following areas for the siting of vending locations:

(A) Sidewalks surrounding Reservation 309, and public space in Reservation 309;

(B) Sidewalks surrounding Reservation 309G, and public space in Reservation 309G over which the District has jurisdiction;

(C) Sidewalks surrounding Reservation 310B, and public space in Reservation 310B;

(D) Eastern and western sidewalks of Mt. Pleasant Street, N.W., between Harvard Street, N.W., and Park Road, N.W., including all sidewalk space on:

(i) The southeast corner of Mt. Pleasant Street, N.W., and Lamont Street, N.W., and

(ii) The southeast corner of Mt. Pleasant Street, N.W., and Park Road, N.W.;

(E) Eastern and western sidewalks of 14th Street, N.W., between Columbia Road, N.W., and Monroe Street, N.W.;

(F) The western sidewalk of 14th Street, N.W., between Parkwood Place, N.W., and Perry Place, N.W.;

(G) Northern sidewalk of Park Road, N.W., between 14th Street, N.W., and Holmead Place, N.W.;

(H) Northern sidewalk of Monroe Street, N.W., between 14th Street N.W., and the public alley located between Lots 21 and 144 of Square 2836;

(I) Southern sidewalk of Monroe Street, N.W., between 14th Street, N.W., and the public alley located between Lots 76 and 79 of Square 2837;

(J) Northern and southern sidewalks of Irving Street, N.W., between 14th Street, N.W., and Mt. Pleasant Street, N.W.;

(K) Civic Plaza in Lot 834 of Square 2843, bounded by 14th Street, N.W., Kenyon Street, N.W., and Park Road, N.W.;

(L) Southern sidewalk of Columbia Road, N.W., between 14th Street, N.W., and 15th Street, N.W.; and

(M) Southern sidewalk of Lamont Street, N.W., between Mount Pleasant Street, N.W., and 16th Street, N.W.

(2) For each area listed under paragraph (1) of this subsection, the Mayor shall, in coordination with a sidewalk vending zone manager and pursuant to an approved vending site plan, establish vending locations at which sidewalk vendors may locate. Vending locations within the Columbia Heights-Mount Pleasant Sidewalk Vending Zone shall not violate the restrictions of sec. 9a(a)(1).

(c) The Mayor may add additional areas within the boundaries of the Columbia Heights-Mount Pleasant Sidewalk Vending Zone established pursuant to subsection (a) of this section for the purpose of siting additional vendor locations; provided, that any additional areas shall be established pursuant to an approved vending site plan.

(d)(1) The Mayor shall issue a request for proposals (“RFP”) for a sidewalk vending zone manager for the Columbia Heights-Mount Pleasant Sidewalk Vending Zone no later than 60 days after the effective date of the Street Vendor Advancement Amendment Act of 2023.

(2) In the process of developing the RFP, the Mayor shall solicit input from sidewalk vendors and community-based organizations and non-profits providing technical assistance or legal services to vendors.

(e)(1) The Mayor shall execute a contract with an entity selected through the RFP process set forth in subsection (c) of this section no later than 120 days after the effective date of the Street Vendor Advancement Amendment Act of 2023.

(2) If a contract with a sidewalk vending zone manager is not executed within 120 following the effective date of the Street Vendor Advancement Amendment Act of 2023, sidewalk vendors shall be able to locate and operate in areas of the Columbia Heights-Mount Pleasant Sidewalk Vending Zone.

* * *

D.C. OFFICIAL CODE § 37–131.08c. STREET VENDING ZONE AMNESTY PROGRAM.

(a) There is established an amnesty program for any person applying to be a street vendor who is liable for delinquent:

(1) Fines for violations of this act and rules from 2010 to the effective date of the Street Vendor Advancement Amendment Act of 2023, including any accrued interest; and

(2) Minimum sales tax payments owed pursuant to § 47-2002.01 from 2010 to the effective date of the Street Vendor Advancement Amendment Act of 2023, including any accrued interest.

(b) The amnesty program shall be available for five years following its establishment.

(c) A person may participate in the amnesty program by filing an application for amnesty with the Mayor that includes:

(1) A basic business license application;

(2) A vending site permit application for a sidewalk vending;

(3) A copy of each unpaid citation received by the applicant, and the amount owed by the applicant for each citation; and

(4) Documentation verifying the amount of delinquent minimum sales tax owed to the Office of Tax and Revenue.

(d) While the amnesty program is accepting application, the Mayor shall publicize the terms and conditions of the amnesty program.

(e) For purposes this section, the term “street vendor” means a person licensed to vend from a sidewalk, roadway, or other public space pursuant to section 3 this act.

* * *

D.C. OFFICIAL CODE § 37–131.08d. COLUMBIA HEIGHTS-MOUNT PLEASANT PUBLIC ASSET AND VENDOR SUPPORT STUDY.

(a) The Mayor shall commission a study to:

(1) Identify potential spaces for the storage and servicing of sidewalk vending carts within or near the Columbia Heights Sidewalk Vending Zone, including any cost estimates for acquiring the space and making necessary improvements;

(2) Identify potential locations for the siting of public restroom facilities within or near the Columbia Heights Sidewalk Vending Zone, including cost estimates of any work that would be required to construct a public restroom facility;

(3) Recommendations for capital improvements at areas within the Columbia Heights Sidewalk Vending Zone to better accommodate vending activity and pedestrian access; and

(4) Identify potential locations for an indoor vending market within or near the Columbia Heights Sidewalk Vending Zone, including cost estimates for acquiring the land if necessary.

(b) The Mayor shall submit the study required pursuant to paragraph (1) no later than one year after the effective date of the Street Vendor Advancement Amendment Act of 2023.

* * *

COMMITTEE PRINT
Committee of the Whole
March 7, 2023
Bill 25-68

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Department of Health Functions Clarification Act of 2001 to revise the definition of cottage food products and amend packaging and labeling requirements for food produced by cottage food businesses; to amend the Vending Regulation Act of 2009 to provide for new definitions; to establish hours of operation for vendors; to prohibit criminal background checks for vendors; to establish food cart design standards and processes for approved food cart design approval by the Department of Health; to provide for locations at which food vending carts may be serviced and stored; to establish fees for a business license, site permit, and certain vending lotteries; to remove criminal penalties for a violation of the act or vending regulations and require a revised schedule of penalties; to provide civil enforcement officers the authority to request reasonable identification for individuals who vend without a license; to allow the Mayor to establish Sidewalk Vending Zones and to prescribe specific requirements for sidewalk vending zones; to establish specific requirements for sidewalk vending zone managers and to require the Mayor to issue a request for proposals for any sidewalk vending zone manager; to establish the Columbia Heights-Mount Pleasant Sidewalk Vending Zone and require the Mayor to issue a request for proposals and execute a contract within a specific period of time for a sidewalk vending zone manager within the Columbia Heights-Mount Pleasant Sidewalk Vending Zone; to establish an amnesty program for street vendors that will waive delinquent debts incurred by vendors; and to require the Mayor to commission a study to identify spaces, locations and improvements that can be made to better accommodate vending activity within or near the Columbia Heights-Mount Pleasant Sidewalk Vending Zone.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Street Vendor Advancement Amendment Act of 2023.”.

Sec. 2. Part C of The Department of Health Functions Clarification Act of 2001, effective January 25, 2014 (D.C. Law 20-63; D.C. Official Code § 7-742.01 *et seq.*), is amended as follows:

(a) Section 4931(3) (D.C. Official Code § 7-742.01(3)) is amended to read as follows:

“(3) “Cottage food product” means food that is prepared, processed, or packaged in a cottage food business and sold directly to consumers, including through direct, retail, and online sales, within the District of Columbia. For purposes of this paragraph, the term cottage food product shall not include uncooked or raw meat products, or raw dairy products.”.

(b) Section 4932(c) (D.C. Official Code § 7-742.02(c)) is amended to read as follows:

“(c)(1) The owner of a cottage food business may sell only cottage food products that are prepared, processed, and stored on the premises.

“(2) For any pre-packaged cottage food products, a label must be affixed to the package that contains the following information:

“(A) The cottage food business identification number;

“(B) The name of the cottage food product;

“(C) The ingredients of the cottage food product;

“(D) Allergen information as specified by federal labeling requirements;

“(E) If any nutritional claim is made, nutritional information as specified by federal labeling requirements; and

“(F) The following statement printed in 10-point or larger type in a color that provides a clear contrast to the background of the label: “Made by a cottage food business that is not subject to the District of Columbia's food safety regulations.”

65 “(3) For any cottage food products that are difficult to properly label or package,
66 or for any cottage food products that will be sold through a vending cart and are not pre-
67 packaged, the owner of the cottage food business must have a receipt, placard or signage in
68 easily readable type at the point-of-sale that contains the information required for pre-packaged
69 food items in paragraph (2) of this subsection.”.

70 Sec. 3. The Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-
71 71; D.C. Official Code § 37-131.01 et seq.) is amended as follows:

72 (a) Section 2 (D.C. Official Code § 37-131.01) is amended to read as follows:

73 For purposes of this chapter, the term:

74 “(1) “Fund” means the Vending Regulation Fund established by section 8(b).

75 “(2) “Public market” means a vending operation that takes place in an area of
76 public space set aside and permitted on a regular basis for the sale of goods, merchandise, or
77 services provided onsite, including a farmers market, flea market, or antique market.

78 “(3) “Sidewalk vending zone” means a geographically defined area with 3 or
79 more vending locations at which a person may vend.

80 “(4) “Sidewalk vending zone manager” means a non-profit organization
81 headquartered in the District of Columbia that oversees sidewalk vendors operating within a
82 sidewalk vending zone.

83 “(5) “Sidewalk vendor” means a person who engages in business while occupying
84 a portion of the public right-of-way other than that reserved for vehicular travel.

85 “(6) “Vending cart” means a wheeled, non-motorized, self-contained apparatus
86 designed to be pulled by a vehicle or pushed by hand, designed to be operated from a sidewalk

vending location, and from which food, products, merchandise, or services are intended to be vended.

“(7) “Vending locations” means the specific locations designated by the Mayor on sidewalks, roadways, and other public space at which a person may vend.

“(8) “Vending site permit” means a permit or other authorization issued by the Mayor for a vending location.”.

(b) Section 3 (D.C. Official Code § 37–131.02) is amended as follows:

(1) Subsection (a)(1) is amended to read as follows:

“(1) A basic business license;”.

(2) Subsection (c) is repealed.

(3) A new subsection (e) is added to read as follows:

“(e) Vendors may operate only during the following hours:

“(1) Sunday through Thursday, from 5:00 a.m. to 12 a.m.; and

“(2) Friday and Saturday from 5:00 a.m. to 1:00 a.m. the next day; provided, that vendors operating in Residential Zones, as specified in the District of Columbia Zoning Regulations, shall not vend past 10:00 p.m. on any night of the week.”.

(c) New sections 7a, 7b and 7c are added to read as follows:

“Sec. 7a. Vending licenses and permits and criminal background checks.

“No applicant for a basic business license, a vending site permit, or any other licenses or permits required to vend from a sidewalk, roadway or other public place pursuant to section 3 shall be required to undergo a criminal background check or provide a certified copy of a criminal history report to any agency prior to or after receiving said licenses or permits.

“Sec. 7b. Food vending cart and vehicle design standards.

“(a) Food vending cart and vehicle designs shall be subject to rules promulgated by the Department of Licensing and Consumer Protection; provided, that, food vending carts and vehicles for vendors:

“(1) Selling only non-potentially hazardous uncut fruits and vegetables shall not be required to include freshwater tanks, wastewater tanks, or food, ware, or hand washing sinks or sink compartments; or

“(2) Selling non-potentially hazardous uncut fruits and vegetables, and potentially hazardous pre-packaged foods, including frozen desserts, sandwiches, and pre-cut fruits and vegetables, shall not be required to include freshwater tanks, or food, ware, or hand washing sinks or compartments.

“(b)(1) The Department of Licensing and Consumer Protection shall, in consultation with the Department of Health, establish a process through which businesses, community-based organizations, and vendors can submit food vending cart designs and specifications for approval by the Department of Licensing and Consumer Protection.

“(2) When determining whether to approve a specific food vending cart design, the Department of Licensing and Consumer Protection shall consider the following:

“(A) Whether the food items that will be sold by users of the food vending cart:

“(i) Are potentially hazardous, as defined in 25-A DCMR 9901;

“(ii) Will be prepared off-site or at the cart;

“(iii) Are packaged off-site, are packaged at the cart, or are sold unpackaged;

132 “(B) Whether the application of existing food cart design requirements is
133 necessary given the food items that will be offered for sale; and

134 “(C) Whether the application of existing food cart design requirements
135 would render the sale of the proposed food items unfeasible due to the size or potential cost of
136 the cart.

137 “(3) When the Department of Licensing and Consumer Protection denies a
138 proposed food vending cart design, the Department shall provide the applicant with the specific
139 reasons and justifications for a denial. The business, non-profit, community-based organization,
140 or vendor who submitted the designs and specifications that were denied may, within 30 business
141 days of receiving a denial, submit revised food vending cart design plans and specifications for
142 consideration by the Department.

143 “(c) When the Department of Licensing and Consumer Protection approves a food
144 vending cart design, the Department shall post the final design, including any design
145 specifications and equipment requirements for the cart, publicly on its website.

146 “Sec. 7c. Food vending cart service and storage requirements.

147 “(a) Food vending carts may be serviced and stored in the following locations:

148 “(1) A vending depot that meets the requirements of 24 DCMR § 574;

149 “(2) A shared kitchen or support facility;

150 “(3) An existing, brick-and-mortar food establishment with a fixed location, such
151 as a delicatessen, bakery, or restaurant;

152 “(4) A community center; or

153 “(5) A cottage food business.

“(b) A shared kitchen or support facility, existing food establishment with a fixed location, or a community center may be permitted to support the servicing and storage of food vending carts if:

“(1) The food vending cart will be stored in a space and manner that protects the cart from contamination;

“(2) There is adequate space for the proper storage of inventory, such as food, supplies, and utensils, used by the vendor;

“(3) There is adequate space for the cleaning of any food vending carts serviced and stored at the facility;

“(4) The vendor has access to on-site food preparation and food handling areas, if needed; and

“(5) The facility will provide access to hot and cold water, potable water, electrical outlets, and receptacles or systems for the proper disposal of trash and food waste.

“(c) A cottage food business may be permitted to support the service and storage of up to two food vending carts if:

“(1) The food vending cart will be stored in a space and manner that protects the cart from contamination;

“(2) The storage area is designated and clearly identified upon approval. The storage area shall not be relocated without approval by the Department of Health;

“(3) The cottage food business is capable of supporting the proper preparation and storage of the food being sold from the food vending cart.

“(d) An alternative service and storage facility, such as a private garage, may be permitted to support the service and storage of up to four food vending carts if:

“ (1) The vendors sell only prepackaged food or non-potentially hazardous uncut fruits and vegetables;

“ (2) The facility provides the vendor with access to on-site potable water;

“ (3) The service and storage areas are free of pests such as rats; and

“ (4) Food items are not prepared or stored in the facility.”

(d) Section 8(a) (D.C. Official Code § 37–131.07(a)) is amended to read as follows:

“ (a)(1) Fees for vending licenses and permits required pursuant to this act shall be as follows:

“ (A) The biennial fee for a basic business license for any vendor shall be \$99;

“ (B) The annual fee for a vending site permit for sidewalk vending locations shall be \$75;

“ (C) The annual fee for a mobile roadway vending site permit shall be \$150;

“ (D) The fee for a monthly Vending Site Permit in the Nationals Park Vending Zone shall be \$65 per monthly lottery, as described in 24 DCMR § 529; and

“ (E) The fee for a monthly Vending Site Permit for stationary roadway vending at Vending Locations designated by 24 DCMR 530 shall be \$225 per monthly lottery.

“ (2) The Mayor may revise fees established in this subsection through the promulgation of rules pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).”.

(e) Section 9 of (D.C. Official Code § 37-131.08) is amended to read as follows:

“Sec. 9. Penalties.

200 “(a) The following violations shall be Class 1 civil infractions and subject to fines
201 pursuant to 16 DCMR § 3201:

202 “(1) Vending without an active license, site permit, or other required licenses and
203 permits pursuant to section 3(a); and

204 “(2) Knowingly altering, falsifying, or misrepresenting any license, permit, or
205 certificate required pursuant to this act, or any other applicable laws or regulations.

206 “(b) All other violations of this act and applicable street vending regulations shall be
207 categorized as Class 2, 3, 4, or 5 civil infractions.

208 “(c) Prior to issuing a notice of infraction for violations of this act and applicable
209 regulations, the Mayor may give a verbal or written warning to the violator; provided, that this
210 shall not apply to violations listed under subsection (a) of this section.

211 “(d)(1) A person who violates subsection (a)(1) of this section in the presence of an
212 enforcement officer shall identify himself or herself at the direction of the officer by giving his or
213 her true name and address. Upon request of the enforcement officer, the person shall produce
214 reasonable identification.

215 “(2) If a person refuses to produce reasonable identification pursuant to paragraph
216 (1) of this subsection, the enforcement officer may detain the person for a period of time not
217 longer than is reasonably necessary to identify the person for purposes of issuing notice of a civil
218 infraction pursuant to section 201 of the Department of Consumer and Regulatory Affairs Civil
219 Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-
220 1802.01).

221 “(3) For purposes of this subsection, the term:

“(A) “Enforcement officer” means a person authorized to enforce the provisions of this act; provided, that this shall not include an officer or member of the Metropolitan Police Department of the District of Columbia.

“(B) “Reasonable identification” means any form of identification that includes a person’s true name and address.

“(e) The Mayor shall issue a revised schedule of civil penalties for violations of this act and rules promulgated pursuant to this act. The proposed schedule of civil penalties shall be included with rules issued pursuant to section 11.”.

(f) New sections 9a, 9b, 9c, and 9d are added to read as follows:

“Sec. 9a. Sidewalk vending zones and licensing.

“(a) The Mayor may establish sidewalk vending zones through rulemaking. For each sidewalk vending zone, the Mayor shall:

“(1) Establish vending locations, pursuant to an approved vending site plan submitted by a sidewalk vending zone manager; provided, that no vending cart, stand, or table shall be located within:

“(A) 20 feet of a driveway entrance to a police or fire station;

“(B) 10 feet of any other driveway;

“(C) 10 feet of an alley;

“(D) 20 feet of a street-level entry to a Metrorail escalator;

“(E) 10 feet of a street-level door to a Metrorail elevator;

“(F) A marked loading zone, entrance zone, or parking space designated for diplomatic parking, or other curbside location restricted for certain vehicles or uses;

“(G) 10 feet of a fire hydrant or in-ground fire standpipe;

245 “(H) 5 feet from a building’s marked fire control room; or
246 “(I) A Metrobus Stop Zone, a commuter bus zone, an intercity bus zone,
247 or other curbside zone specifically designated and demarcated as being for transit use;
248 “(2) Permit sidewalk vendors to alternate from one vending location to another
249 within the same sidewalk vending zone, pursuant to an approved vending site plan submitted by
250 a sidewalk vending zone manager;
251 “(3) Require all sidewalk vendors to conspicuously display a basic business
252 license and any other legally required permits or certificates; and
253 “(4) Require all sidewalk vendors to vend from a temporary table or a vending
254 cart that contains no motor or open fires, is able to be moved by hand, and is no more than 4 feet
255 in width and 4 feet in length, unless the vendor vends food from a vending cart, in which case the
256 vending cart shall not exceed 5 feet in width and 8 feet in length and 8 feet 6 inches in height
257 from the bottom of the tire.
258 “(b)(1) The following persons may submit a written request to the Mayor for the
259 establishment of a sidewalk vending zone, the establishment of vending spaces within a proposed
260 sidewalk vending zone, or the establishment of or changes to vending spaces within an existing
261 sidewalk vending zone:
262 “(A) An affected Advisory Neighborhood Commissions;
263 “(B) An organization incorporated under the laws of the District, the
264 members of which are sidewalk vendors;
265 “(C) A non-profit incorporated under the laws of the District that provides
266 services or technical assistance to sidewalk vendors;

267 “(D) A citizens association incorporated under the laws of the District
268 located within the affected area; or

269 “(E) A Business Improvement District within the affected area. For
270 purposes of this paragraph, the term “Business Improvement District” shall have the same
271 meaning as set forth in section 3(6) of the Business Improvement Districts Act of 1996, effective
272 May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.02(6)).

273 “(2) The Mayor shall solicit community input and respond in writing to a request
274 made pursuant to paragraph (1) of this subsection within 60 days of its receipt. If the request is
275 denied, the written response shall provide an explanation for the decision.

276 “(c)(1) A sidewalk vending zone shall be supervised by a sidewalk vending zone
277 manager.

278 “(2) For a sidewalk vending zone authorized by this section, and for the Columbia
279 Heights-Mount Pleasant Sidewalk Vending Zone established by section 9b, the Mayor, by and
280 through the Department of Licensing and Consumer Protection, shall contract with a non-profit
281 organization for a sidewalk vending zone manager. The organization shall meet the following
282 requirements:

283 “(A) The organization has an active business license;

284 “(B) The organization has demonstrated knowledge of and expertise in
285 vending regulations;

286 “(C) The organization has demonstrated knowledge of and expertise in
287 food safety regulations;

288 “(D) The organization provides proof of a general liability insurance
289 policy in an amount and kind as determined by the Mayor; and

290 “(E) The organization provides proof that it has the resources necessary to
291 supply translation services to sidewalk vendors, as needed.

292 “(3) The Mayor shall give preference to organizations that have a demonstrated
293 history of working with, or providing services and technical assistance to, sidewalk vendors.

294 “(d)(1) A sidewalk vending zone manager shall:

295 “(A)(i) Submit a vending site plan to the Department of Licensing and
296 Consumer Protection. The vending site plan shall contain a diagram of all sidewalk vending
297 locations within the sidewalk vending zone. The diagram shall include the full name and license
298 number of each vendor, as well as the approximate dimensions of any cart, stand or table used by
299 each vendor;

300 “(ii) The Department shall approve or request modifications to a
301 vending site plan within 7 business days of receipt. The Department shall only request
302 modifications to a vending site plan when the plan conflicts with this act or presents an
303 immediate and significant hazard to pedestrians, cyclists or vehicular traffic;

304 “(iii) A request for modifications shall be made in writing to the
305 sidewalk vending zone manager and shall include the justification for the denial or requested
306 modifications. The Department shall respond to any proposed modifications within 7 business
307 days of receipt;

308 “(iv) Any changes to a vending site plan must be approved by the
309 Department before they may be implemented;

310 “(B) Provide accurate contact information of any onsite personnel to each
311 vendor in a sidewalk vending zone;

312 “(C) Develop and maintain policies and procedures to respond to and
313 mediate disputes between sidewalk vendors in a sidewalk vending zone. The policies and
314 procedures shall be written and shall be provided to each vendor in a sidewalk vending zone in
315 his or her preferred language;

316 “(D) Maintain an accurate list of sidewalk vendors operating within a
317 sidewalk vending zone, including contact information and basic information on items being sold
318 by each sidewalk vendor. This list shall include the full name, license number, business address
319 of each sidewalk vendor, and a diagram of the vending location. Any change of information shall
320 be provided to the Department within 24 hours of that change;

321 “(E) Maintain a daily log of supervision activity, including information on
322 technical assistance provided to sidewalk vendors, mediations conducted, and corrective actions
323 taken to ensure sidewalk vendors are in compliance with the law and regulations;

324 “(F) Provide technical support to sidewalk vendors in a sidewalk vending
325 zone, as needed; and

326 “(G) Take all necessary and reasonable actions to ensure that a sidewalk
327 vendor is compliant with all health laws and regulations.

328 “(2) Any documentation required pursuant to paragraph (1) of this subsection
329 shall be made available to the Mayor timely upon request.

330 “Sec. 9b. Establishment of the Columbia Heights-Mount Pleasant Sidewalk Vending
331 Zone.

332 “(a) There is established the Columbia Heights-Mount Pleasant Sidewalk Vending Zone,
333 comprised of the geographic area bounded by a line that begins on the southwest corner of the
334 intersection of 16th Street, N.W., and Fuller Avenue, N.W., then north along the west side of 16th

335 Street, N.W., until the southwest corner of 16th Street, N.W., and Harvard Street, N.W., then
336 north along the west side Harvard Street, N.W., until the northwest corner of the intersection of
337 Harvard Street, N.W., and Argonne Place, N.W., then east along the north side of Argonne Place,
338 N.W., until the northwest corner of the intersection of Argonne Place, N.W., and Mount Pleasant
339 Street, N.W., then north along the west side of Mount Pleasant Street, N.W., until the northwest
340 corner of the intersection of Irving Street, N.W., and Mount Pleasant Street, N.W., then west
341 along Irving Street, N.W. until the southwest corner of the intersection Irving Street, N.W., and
342 17th Street, N.W., then north along 17th Street, N.W., until the northwest corner of the
343 intersection of 17th Street, N.W. and Park Road, N.W., then east along Park Road, N.W., until the
344 northwest corner of the intersection of Park Road, N.W., and 14th Street, N.W., then north along
345 the west side 14th Street, N.W., until the northwest corner of 14th Street, N.W. and Ogden Street,
346 N.W., then north on the west side of Ogden Street, N.W., until the northwest corner of the
347 intersection of Ogden Street, N.W., and Oak Street, N.W., then east along the north side of Oak
348 Street, N.W., until the northwest corner of Oak Street, N.W., and 14th Street, N.W., then north
349 along the west of 14th Street, N.W., until the northwest corner of the intersection of 14th Street,
350 N.W., and Spring Road, N.W., and south along the east side of 14th Street, N.W., to the northeast
351 corner of 14th Street, N.W. and Newton Street, N.W., then east along the north side of Newton
352 Street, N.W., until the northeast corner of the intersection of Newton Street, N.W., and Holmead
353 Place, N.W., then south along the east side of Holmead Place, N.W., until the northeast corner of
354 the intersection of Holmead Place, N.W., and Park Road, N.W., then east along the north side of
355 Park Road, N.W., until the northeast corner of the intersection of Park Road, N.W., and 13th
356 Street, N.W., then south on the east side 13th Street, N.W., until the southeast corner at the
357 intersection of 13th Street, N.W., and Girard Street, N.W., then east along the south side of

358 Girard Street, N.W., until the southeast corner of the intersection of 15th Street, N.W., and Girard
359 Street, N.W., then south along the west side of 15th Street, N.W., until the southeast corner of the
360 intersection of 15th Street, N.W., and Fuller Street, N.W., then east along the south side of Fuller
361 Street, N.W., until the southwest corner of the intersection at Fuller Street, N.W., and 16th Street,
362 N.W.

363 “(b)(1) The Columbia Heights-Mount Pleasant Sidewalk Vending Zone shall contain the
364 following areas for the siting of vending locations:

365 “(A) Sidewalks surrounding Reservation 309, and public space in
366 Reservation 309;

367 “(B) Sidewalks surrounding Reservation 309G, and public space in
368 Reservation 309G over which the District has jurisdiction;

369 “(C) Sidewalks surrounding Reservation 310B, and public space in
370 Reservation 310B;

371 “(D) Eastern and western sidewalks of Mt. Pleasant Street, N.W., between
372 Harvard Street, N.W., and Park Road, N.W., including all sidewalk space on:

373 (i) The southeast corner of Mt. Pleasant Street, N.W., and Lamont
374 Street, N.W., and

375 “(ii) The southeast corner of Mt. Pleasant Street, N.W., and Park
376 Road, N.W.;

377 “(E) Eastern and western sidewalks of 14th Street, N.W., between
378 Columbia Road, N.W., and Monroe Street, N.W.;

379 “(F) The western sidewalk of 14th Street, N.W., between Parkwood Place,
380 N.W., and Perry Place, N.W.;

381 “(G) Northern sidewalk of Park Road, N.W., between 14th Street, N.W.,
382 and Holmead Place, N.W.;

383 “(H) Northern sidewalk of Monroe Street, N.W., between 14th Street
384 N.W., and the public alley located between Lots 21 and 144 of Square 2836;

385 “(I) Southern sidewalk of Monroe Street, N.W., between 14th Street,
386 N.W., and the public alley located between Lots 76 and 79 of Square 2837;

387 “(J) Northern and southern sidewalks of Irving Street, N.W., between 14th
388 Street, N.W., and Mt. Pleasant Street, N.W.;

389 “(K) Civic Plaza in Lot 834 of Square 2843, bounded by 14th Street,
390 N.W., Kenyon Street, N.W., and Park Road, N.W.;

391 “(L) Southern sidewalk of Columbia Road, N.W., between 14th Street,
392 N.W., and 15th Street, N.W.; and

393 “(M) Southern sidewalk of Lamont Street, N.W., between Mount Pleasant
394 Street, N.W., and 16th Street, N.W.

395 “(2) For each area listed under paragraph (1) of this subsection, the Mayor shall,
396 in coordination with a sidewalk vending zone manager and pursuant to an approved vending site
397 plan, establish vending locations at which sidewalk vendors may locate. Vending locations
398 within the Columbia Heights-Mount Pleasant Sidewalk Vending Zone shall not violate the
399 restrictions of section 9a(a)(1).

400 “(c) The Mayor may add additional areas within the boundaries of the Columbia Heights-
401 Mount Pleasant Sidewalk Vending Zone established pursuant to subsection (a) of this section for
402 the purpose of siting additional vendor locations; provided, that any additional areas shall be
403 established pursuant to an approved vending site plan.

“ (d)(1) The Mayor shall issue a request for proposals (“RFP”) for a sidewalk vending zone manager for the Columbia Heights-Mount Pleasant Sidewalk Vending Zone no later than 60 days after the effective date of the Street Vendor Advancement Amendment Act of 2023.

“(2) In the process of developing the RFP, the Mayor shall solicit input from sidewalk vendors and community-based organizations and non-profits providing technical assistance or legal services to vendors.

“(e)(1) The Mayor shall execute a contract with an entity selected through the RFP process set forth in subsection (c) of this section no later than 120 days after the effective date of the Street Vendor Advancement Amendment Act of 2023.

“(2) If a contract with a sidewalk vending zone manager is not executed within 120 days following effective date of the Street Vendor Advancement Amendment Act of 2023, sidewalk vendors shall be able to locate and operate in areas of the Columbia Heights-Mount Pleasant Sidewalk Vending Zone.

“Sec. 9c. Street vending amnesty program.

“(a) There is established an amnesty program for any person applying to be a street vendor who is liable for delinquent:

“(1) Fines for violations of this chapter and rules from 2010 to the effective date of the Street Vendor Advancement Amendment Act of 2023, including any accrued interest; and

“(2) Minimum sales tax payments owed pursuant to § 47-2002.01 from 2010 to the effective date of the Street Vendor Advancement Amendment Act of 2023, including any accrued interest.

“(b) The amnesty program shall be available for 5 years following its establishment.

426 “(c) A person may participate in the amnesty program by filing an application for
427 amnesty with the Mayor that includes:

428 “(1) A basic business license application;

429 “(2) A vending site permit application for a sidewalk vending location;

430 “(3) A copy of each unpaid citation received by the applicant, and the amount
431 owed by the applicant for each citation; and

432 “(4) Documentation verifying the amount of delinquent minimum sales tax owed
433 to the Office of Tax and Revenue.

434 “(d) While the amnesty program is accepting applications, the Mayor shall publicize the
435 terms and conditions of the amnesty program.

436 “(e) For purposes this section, the term “street vendor” means a person licensed to vend
437 from a sidewalk, roadway, or other public space pursuant to section 3.

438 “Sec. 9d. Columbia Heights-Mount Pleasant public asset and vendor support study.

439 “(a) The Mayor shall commission a study to:

440 “(1) Identify potential spaces for the storage and servicing of sidewalk vending
441 carts within or near the Columbia Heights-Mount Pleasant Sidewalk Vending Zone, including
442 any cost estimates for acquiring the space and making necessary improvements;

443 “(2) Identify potential locations for the siting of public restroom facilities within
444 or near the Columbia Heights-Mount Pleasant Sidewalk Vending Zone, including cost estimates
445 of any work that would be required to construct a public restroom facility;

446 “(3) Recommendations for capital improvements at areas within the Columbia
447 Heights-Mount Pleasant Sidewalk Vending Zone to better accommodate vending activity and
448 pedestrian access; and

““(4) Identify potential locations for an indoor vending market within or near the Columbia Heights-Mount Pleasant Sidewalk Vending Zone, including cost estimates for acquiring the land if necessary.

“(b) The Mayor shall submit the study required pursuant to paragraph (1) no later than one year after the effective date of the Street Vendor Advancement Amendment Act of 2023.”.

Sec. 4. Applicability.

(a) This act shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect after approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

472 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
473 Columbia Register.